

Exhibit 1

PLAINTIFFS' STATEMENT OF COMMON ISSUES

Procedural Due Process (First Cause of Action) – All Three Subclasses

- Did the three Subclasses have a constitutionally protected interest in unfettered access to their property via public rights-of-way?
- Did the Property Owners Subclass and Business Owners Subclass have a constitutionally protected interest in economic use of their properties?
- Did the City act to deprive Class members of those constitutionally protected interests? [for all Subclasses]
- Did the deprivation occur without due process? [for all Subclasses]
- Is the deprivation without due process justified by a sufficient countervailing justification? [for all Subclasses]
- Was the deprivation pursuant to City policy under 42 U.S.C. § 1983? [for all Subclasses]
- Are members of each of the three Subclasses entitled to nominal damages?

Substantive Due Process (Second Cause of Action) – Entire Class

- Did the City's affirmative actions or statements create or expose the Class to an actual, particularized danger the Class would not have otherwise faced?
- Was the City deliberately indifferent to the known dangers?
- Was it foreseeable that the types of injuries suffered by the Class would be suffered?
- Were the City's actions and statements pursuant to City policy under 42 U.S.C. § 1983?
- Are Class members entitled to nominal damages?

Takings (Third Cause of Action) – All Three Subclasses

- Did the City’s actions constitute a *per se* taking of the rights of the members of the Subclasses?
 - Did the City’s actions interfere with the ability to access properties?
 - Did the City’s actions interfere with the ability to exclude others from properties?
- What this taking justified by an “emergency”?
- Were the City’s actions and statements pursuant to City policy under 42 U.S.C. § 1983?
- Are members of the Subclasses entitled to nominal damages?

Negligence (Fourth Cause of Action) – Entire Class

- Did the City owe a duty to the Class?
 - Does the failure-to-enforce exception to the public-duty doctrine apply?
 - Does the legislative-intent exception to the public-duty doctrine apply?
- Did the City breach its duty?
- Were the acts of third parties so highly extraordinary or improbable as to be wholly beyond the range of expectability?

Nuisance (Fifth Cause of Action) – Entire Class

- Did a City act or failure to act give rise to a nuisance?
 - Did the act or failure annoy, injure, or endanger the comfort, repose, health, or safety of the Class?
 - Did the act or failure to act make any park or street dangerous for passage, obstruct or tend to obstruct any park or street, or constitute a hazard to vehicles or persons using any park or traveling on any street?

- Did the act or failure render other persons insecure in life, or in the use of property?
- Was any nuisance reasonable in the circumstances?

Issues Related to Missing Texts

- What were the circumstances surrounding the deletion of responsive texts for Mayor Jenny Durkan, Chief of Police Carmen Best, Fire Chief Harold Scoggins, and other City custodians?
- What effect does the deletion of these texts have on the City's ability to defend this case, and on the evidence to be presented at trial?

Exhibit 2

PLAINTIFFS' PROPOSED TRIAL PLAN

Plaintiffs hereby set forth their proposed plan for the trial of identified common issues, the full claims of the Plaintiffs, and the trial and ultimate resolution of Class members' claims.

1. Adjudication of (a) Certified Claims and Issues and (b) Damages of Plaintiffs

Under Plaintiffs' proposal, following certification of the identified common issues, the parties would proceed to a trial that would encompass both resolution of the certified claims, as well as all remaining issues to be tried on the individual claims of each Plaintiffs, including whether they are entitled to recover substantive damages in addition to any nominal damages that they may have been found to be entitled to.

Prior to this trial, the parties will have full discovery on all common issues, as well as the individual claims of each Plaintiff, and all appropriate pre-trial motions such as summary judgment and motions to exclude expert testimony.

At the conclusion of this trial the Court and the jury will resolve the core, key common issues on every claim in this case, *and* the damages claims for all Plaintiffs, which include numerous business owners, property owners and residents.

2. Adjudication of Remaining Damage and Causation Questions

Following the initial trial, for any claims where Plaintiffs and the Class prevailed on the relevant common questions, individual Class members could decide whether to pursue substantive damages claims in subsequent proceedings. These decisions would presumably be heavily informed by the outcomes for the individual Plaintiffs in the first trial, and whether a particular Class member could document damages beyond nominal damages. These trials could be individual or grouped proceedings. Plaintiffs also anticipate that based on the outcome of the first trial of common issues and Plaintiffs' individual damages claims, it might also become clear that certain additional damages issues could be certified, or that the parties could agree to a framework for resolution of these claims that would not require full successive trials.

Exhibit 3

CHART OF NAMED PLAINTIFFS

Named Plaintiff	Location	Type of Plaintiff	Class/Subclass Represented	Supporting Documentation
12 th & Pike Associates LLC	12 th and E. Pike	Property owner	Class Property Owners Subclass	Declaration of Bradford G. Augustine
Bergman's Lock and Key Services LLC	1714 12 th Avenue	Lock-and-key services provider	Class Business Owners Subclass	Ex. 34, 10:6-11:24, 35:3-37:9 (Thompson dep.)
Wade Biller	1125 E. Olive Street	Condominium owner, resident	Class Property Owners Subclass	Ex. 26, 9:1-:25, 51:1-54:17, 59:19-60:2, 128:5-:16, 133:23-134:21 (Biller dep.)
Hunters Capital LLC	1620 Broadway Avenue, Suite 200	Property management company	Class	Declaration of Jill Cronauer
Hunters Property Holdings LLC	1620 Broadway, Suite 200	Property owner	Class Property Owners Subclass	Declaration of Jill Cronauer
Olive Street Apartments	1703 Twelfth Avenue	Property owner	Class Property Owners Subclass	Ex. 17, 10:3-11:2, 12:19-13:18, 36:3-12, 39:5-40:2, 85:5-95:6, , 87:1-88:22, 91:13-100:5, 154:1-156:17 (Wanagel dep.)
Onyx Homeowners Association	1125 E. Olive Street	Condominium Association	Class	Ex. 26, 9:1-:25, 51:1-54:17, 59:19-60:2, 128:5-:16, 133:23-134:21 (Biller dep.)
Madrona Real Estate Services, LLC	Manages building at 12 th Avenue and E. Pike	Property management company	Class	Declaration of Bradford G. Augustine
Matthew Ploszaj	1210 E. Pine Street	Resident/Tenant	Class Residents Subclass	Ex. 16, 66:6-:10, 80:3-:6, 83:25-93:20, 84:3-91:3, 102:12-106:12, 139:19-145:17 (Ploszaj dep.)

Named Plaintiff	Location	Type of Plaintiff	Class/Subclass Represented	Supporting Documentation
Redside Partners	1620 Broadway, Suite 201	Property management company	Class	Ex. 35, 12:18-13:4, 15:11-:15, 41:25-43:13, 53:5-54:22 (Swanson dep.)
Richmark Company, d/b/a Richmark Label	1110 E. Pine Street	Property owner, label manufacturer	Class Property Owners Subclass	Ex. 27, 10:7-13:16, 46:21-50:14, 87:20-89:11, 94:4-95:18, 102:22-104:11, 166:8-167:14, 181:7-182:15 (Donner dep.)
Shuffle LLC d/b/a Cure Cocktail	1641 Nagel Place	Bar / restaurant	Class Business Owners Subclass	Ex. 33, 30:5-32:10, 134:7-142:8 (Sheffer dep.)
SJC Enterprises, d/b/a Car Tender	1710 Twelfth Avenue	Car repair garage	Class Business Owners Subclass	Declaration of John McDermott
Sway & Cake LLC	1124 E. Pike Street	Women's clothing store	Class Business Owners Subclass	Ex. 32, 10:23-11:16, 14:23-15:18, 74:17-75:1, 81:7-82:6, 93:18-95:25 (Kilburn dep.)

Exhibit 4

Hunters Capital, LLC v. City of Seattle

Casey Sixkiller

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)

Plaintiff,)

vs.) No. 20-cv-00983-TSZ

CITY OF SEATTLE,)

Defendant.)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION

UPON ORAL EXAMINATION OF
CASEY SIXKILLER

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: OCTOBER 12, 2021
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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22 ALSO PRESENT VIA VIDEOCONFERENCE:

23 TYLER TODISH, videographer
24 Buell Realtime Reporting, LLC
25 * * * * *

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1 DEPOSITION OF CASEY SIXKILLER
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6 EXHIBIT INDEX

7 EXHIBITS FOR IDENTIFICATION PAGE

8 Exhibit 1 Email chain; SEA_00102554-565 28

9 Exhibit 2 Email chain; SEA_00058827 41

10 Exhibit 3 "11am Update - E Precinct"; 80
11 SEA_00028170-17112 Exhibit 4 "2PM Update - E Precinct (see 98
13 notes)"; SEA_00028178-179

14 Exhibit 5 54-page chart titled "Messages." 100

15 Exhibit 6 Email chain; SEA_00080108-109 109

16 Exhibit 7 Email chain; SEA_00102602-608 115

17 Exhibit 8 Email chain; SEA_00043191-192 128

18 Exhibit 9 Email chain; SEA_00082659-660 153

19 Exhibit 10 Email; SEA_00125617 154

20 Exhibit 11 Email chain; SEA_00082667-669 160

21 Exhibit 12 5-page Executive Order 2020-08; 201
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22 Exhibit 13 Email chain; SEA_00080115-117 213

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1 SEATTLE, WASHINGTON; OCTOBER 12, 2021
2 9:22 a.m.

3 -o0o-

4 THE VIDEOGRAPHER: Good morning. This is
5 the deposition of Casey Sixkiller in the matter of
6 Hunters Capital, LLC, et al., vs. City of Seattle,
7 Cause No. 20-cv-00983-TSZ, in the United States District
8 Court, Western District of Washington at Seattle, and
9 was noticed by Patty Eakes.10 The time now is approximately 9:22 a.m. on this
11 12th day of October, 2021, and we are convening via
12 videoconference.13 My name is Tyler Todish from Buell Realtime
14 Reporting, LLC, located at 1325 4th Avenue, Suite 1840,
15 in Seattle, Washington 98101.16 Starting with the taking attorney, will counsel
17 please identify themselves for the record.18 MR. WEAVER: My name is Tyler Weaver. I'm
19 with Calfo Eakes, and with me on this call is Gabe
20 Reilly-Bates, also of Calfo Eakes.21 MR. CRAMER: Shane Cramer from Harrigan Leyh
22 on behalf of the City of Seattle.

23 ///

24 ///

25 ///

1 (Pages 1 to 4)

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1 mayor at her request.

2 Do you recall learning about that at some
3 point?

4 A. I do. I recall learning at it -- about it on
5 Monday, June 8th, whenever this email came into my inbox
6 from Calvin.

7 Q. Okay. So you hadn't heard about it before
8 then?

9 A. No.

10 Q. You forwarded this to the other deputy mayors.
11 Do you recall having a discussion with them about this
12 after having seen this document?

13 A. I remember having a conversation with -- with
14 folks after having received these documents. I could
15 not tell you who specifically -- who specifically that
16 was, you know. And in terms of why I forwarded to the
17 two other deputy mayors, I think it was more for
18 situational awareness than anything else.

19 Q. Do you remember talking to -- well, first of
20 all, let me ask you, who's Calvin Goings?

21 A. Calvin Goings is the director of the Department
22 of Finance and Administrative Services. So they are in
23 the -- within the City family FAS runs all of our
24 buildings and is the City -- essentially the City's real
25 estate agent as well.

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1 Q. Do you recall talking to Mayor Durkan about
2 this -- these documents and this idea of transferring
3 the east precinct to the ownership of Black Lives
4 Matter?

5 A. I do.

6 Q. Okay. What do you remember about that
7 conversation?

8 A. I -- sorry, I'm just looking at the document.
9 I -- I remember expressing to her that while she may
10 have a strong desire to put this on the table as a
11 conversation point with folks, that it's not ready.
12 That these memos show that this is a really complicated
13 transaction, and that we could not just operationally,
14 you know, snap our fingers and all of a sudden we had
15 the square footage and the equipment that we need to
16 house -- to provide the level of -- of public safety
17 service in that part of the city.

18 You know, and -- and I don't remember if I
19 flat-out opposed continuing this conversation or not,
20 but I do remember being pretty firm in my -- expressing
21 my concern that the timeline that was -- that she wanted
22 to be able to discuss this was -- was challenging.

23 Q. Was it your understanding that she wanted to
24 transfer it effective July 1, 2020?

25 A. No. And, you know, looking at that in this

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1 resolution that you shared, that -- I -- that -- I mean,
2 it's even highlighted. I think the -- the -- I don't
3 know where that date comes from, other than, you know,
4 I -- Director Goings is a very -- he takes his job very
5 seriously, and he's the ultimate professional and, you
6 know, he's -- he's the one who's the can-do spirit,
7 like, we will figure it out.

8 So it doesn't -- frankly, I can't imagine that
9 anybody actually asked for a resolution to be drafted at
10 the same time. It doesn't surprise me, coming from
11 Director Goings, that they went that extra step to put
12 it in the -- in the ether for conversation.

13 So I -- that's a long way of saying I don't
14 know where the date July 1st comes from. As I said, all
15 of this was sort of in the much more longer-term view
16 of, like -- you know, no one wants to go into a
17 conversation and suggest, hey, here's a potential
18 solution, and then it turns out not to be true and it's
19 just -- you know, it's just bad faith.

20 Q. Do you recall having any discussions with the
21 mayor about why she thought transferring ownership of
22 the east precinct to Black Lives Matter was an option
23 that should be explored?

24 A. As I said earlier, I think, you know, Mayor
25 Durkan has, you know, been part of -- you know, part --

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1 has been in the city for a long time and has -- has seen
2 different efforts by certain members, communities of
3 color in Seattle who have worked with the City on
4 property transfer, disposal. And again, I use, you
5 know, the -- Daybreak Star as -- as an example of that,
6 and I think she was sort of thinking about, again, the
7 origin of the east precinct and whether that was
8 something that we should make a commitment to -- to do.

9 But again, I -- the timing is -- just given all
10 the other events at this time -- same time period, I
11 think is purely coincidental.

12 Q. I'm sorry. You think the timing was
13 coincidental?

14 A. In terms of -- yes, in terms of, you know,
15 related operational decisions that the Seattle Police
16 Department made about the east precinct, they are not
17 related to this different thread of conversation, in my
18 view.

19 Q. Okay. I just -- so this proposal would have
20 had the police evacuating and leaving permanently the
21 east precinct; is that right?

22 MR. CRAMER: Objection. Form.

23 A. Yeah, I don't agree with the -- with the
24 suggestion -- I don't agree with the word "evacuating."
25 I think what this proposal clearly articulates is that,

8 (Pages 29 to 32)

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1 you know, we would need to have, you know, done several
2 things, including identifying an alternative location,
3 making sure that location was suitable, making sure we
4 entered into a legal agreement with the property owner
5 if we didn't own it or if we had to lease it.

6 So that -- that's a very -- I mean, this is
7 government, man. We don't move fast. So I think we
8 would -- it would take some time.

9 And I think, you know, again, for me it was,
10 you know -- setting aside whether I thought it was a
11 good idea or a bad idea, it was just a -- I just want us
12 to be -- I wanted to make sure, and I think this memo
13 helps underscore that this is a very complicated idea,
14 and it would be a complicated transaction for us to pull
15 off.

16 BY MR. WEAVER:

17 Q. Okay. Well, part of the -- part of the
18 resolution that was drafted indicates that the City of
19 Seattle agrees to vacate the property and remove all law
20 enforcement and materials in police-related facilities.

21 Did you see that when you reviewed it?

22 A. Yeah. I mean, that's standard; right?
23 Standard -- I mean -- right? I mean, standard -- I
24 presume is standard language in any real estate
25 transaction; right? We are relinquishing fee simple

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1 title.

2 Q. Okay. So it was going to -- it was also going
3 to remove all the holding cells and take down all law
4 enforcement -- law enforcement insignia; is that right?

5 MR. CRAMER: Objection. Form.

6 A. Yeah, I mean, again, as I said, I don't
7 think -- there had been -- as far as I recall, there had
8 been no sort of firm discussion of what all of this
9 could entail; right? As I said, it could -- could have
10 been, do you want to explore some sort of new,
11 re-imagined east precinct? Do you want to explore a --
12 you know, a transfer to your organization or
13 organizations for the future of the east precinct? And
14 again, this points out that there's a process and it's
15 going to take time, and blah-blah-blah.

16 So I think it would -- I don't -- I don't
17 recall it going much further than that, you know,
18 like -- and again, I think this -- unfortunately, this
19 draft resolution suggests otherwise, but it's not my
20 recollection of the -- of the conversations that were --
21 that were happening at this time.

22 BY MR. WEAVER:

23 Q. What do you recall about whether this proposal
24 remained in play during the period of June 2020?

25 A. I -- I couldn't tell you the time frame, but I

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1 recall that at some -- well, number one, I should say I
2 was not involved in any of the conversations with
3 community organizations. So I -- I can't provide
4 context for those discussions.

5 But two is, at some point, I believe it was
6 Black Lives Matter, or maybe others that -- that -- who
7 were engaged with the City about the east precinct, made
8 it clear that they didn't want the east precinct. And
9 so there was a point where, you know, the conversations
10 pivoted away from, you know, let's figure out something
11 for the east precinct first, and turned to, all right,
12 we need -- let's figure out an alternative that might
13 make sense as a new commun- -- some sort of community
14 gathering place, whatever that may be.

15 Q. Okay. So your understanding was that was
16 because Black Lives Matter indicated they did not want
17 the east precinct. Is that what I heard?

18 A. That's my -- that's my recollection, yes.

19 Q. Okay. Do you recall what alternatives were
20 explored at that point, once it -- once Black Lives
21 Matter made clear they didn't want the east precinct?

22 A. I -- if I -- if I remember correctly, I think
23 the -- I think the City volunteered to look at other
24 potential spaces in and around the area that could be
25 used either for, I don't know, office, community

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1 gathering, what have you.

2 Q. Do you know what other spaces were looked at?

3 A. I think there was one that was adjacent to the
4 east precinct, but I can't -- I could not tell you if it
5 was on the same block, if it was across the street. I
6 just don't remember.

7 Q. Do you recall anything -- any -- by the way,
8 was the mayor involved in these discussions about
9 looking for alternatives?

10 A. She was being briefed, yes.

11 Q. Okay. Do you know whether she was directly
12 involved in any of these transactions to look for
13 alternatives to the east precinct?

14 MR. CRAMER: Objection. Form.

15 A. I -- I have -- my -- I don't know. I have no
16 knowledge of that.

17 BY MR. WEAVER:

18 Q. Do you recall anything about a space that was
19 previously leased by an entity known as the Riveter?

20 A. That name -- yeah, that name sounds familiar.

21 Q. Okay. Was that one of the alternatives to the
22 east precinct transfer?

23 A. Boy, I -- you know, I'd have to see a record
24 to -- I mean, I -- I say that because I -- I remember
25 hearing the Riveter, and there used to be a Riveter up

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1 in -- up in Fremont, and I remember someone going, "No,
2 no, no, there's another location." But I --

3 **Q. Yeah, there was more than one.**

4 A. Yeah, so I -- and that's just where my
5 knowledge of that kind of stuff doesn't really -- I
6 don't really -- I can't -- I don't remember.

7 **Q. Okay. Well, with regard to the space, whatever**
8 **the space was, what was your understanding of what**
9 **the -- of what the idea was that would happen with that**
10 **particular use of a different property for Black Lives**
11 **Matter? And I can -- let me just -- let me just re-ask**
12 **that.**

13 **So what was your understanding of what was**
14 **going to -- what the terms of any space as -- that might**
15 **be used as an alternative to transferring of the east**
16 **precinct to Black Lives Matter might be?**

17 A. I -- again, I don't -- if you have a record to
18 share with me that shows, I don't recall off the top of
19 my head. As I said, I was not in the discussions
20 directly or indirectly with -- with Black Lives Matter,
21 so I couldn't -- I couldn't speculate beyond, you
22 know --

23 **Q. Okay.**

24 A. -- what I've already said.

25 **Q. Do you know who was involved in those**

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1 **discussions with Black Lives Matter?**

2 A. Other mayor's office staff, but I -- but again,
3 I don't -- I just can't remember.

4 **Q. Sure.**

5 A. Yeah. Sorry. I just don't --

6 **Q. That's okay.**

7 A. So many other things going on at the same time.

8 **Q. I understand. You weren't involved.**

9 **So going back to the date of this document,**
10 **which -- Exhibit 1, which was June 8th, in the**
11 **afternoon, do you recall anything else that was going on**
12 **with the east precinct on the afternoon of June 8, 2020?**

13 A. If I -- if I recall, June 8th is -- is when the
14 Seattle -- is right around the time that the Seattle
15 Police Department began leaving the east precinct, but I
16 don't have a -- I'm sorry, I've not committed these
17 dates to -- to memory.

18 **Q. Well, I think -- and, you know, Shane can tell**
19 **me if we can't, but I think we can agree that June 8th**
20 **was the day that --**

21 A. Okay.

22 **Q. -- they were moving.**

23 **What do you recall about -- when did you first**
24 **learn that the -- the Seattle Police Department was**
25 **moving materials out of the east precinct?**

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1 A. At some point on the 8th of June, when I was
2 standing in the Emergency Operations Center.

3 **Q. Okay. And did that come as a surprise to you,**
4 **that they were moving ammunition and evidence and that**
5 **sort of thing out of the precinct?**

6 A. Yeah, it did. Yes, it did.

7 **Q. Okay. And so you think you learned that**
8 **after -- after they had done it, sometime in the**
9 **afternoon or evening of June 8th?**

10 A. Can you -- can you ask that question again?

11 **Q. So do you think you learned about -- when were**
12 **you in the Emergency Operations -- when -- at what time**
13 **of day were you in the Emergency Operations Center, that**
14 **you found out that they were moving ammunition and**
15 **evidence and other documents and materials out of the**
16 **precinct?**

17 A. Well, I was in the Emergency Operations Center
18 for, I don't know, several hours on that day. I was
19 there quite a bit during this period of time. And if I
20 remember correctly, I -- you know, the Emergency
21 Operations Center has a lot of different monitors, and
22 we were monitoring that -- you know, including traffic
23 cams and news sources and other things. And I
24 remember -- if I remember correctly, I remember standing
25 in the -- in the Emergency Operations Center and seeing

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1 a van or a truck or something outside of the -- or
2 adjacent to the east precinct and saying, "What are they
3 doing?"

4 **Q. So was that in the afternoon or evening hours,**
5 **or do you recall what time of day that was?**

6 A. I would -- I would say it's probably in the
7 afternoon. I remember it still being daylight.

8 **Q. All right. And when -**

9 A. Which is long at that time of year.

10 **Q. It is. When do you recall learning that they**
11 **were going to evacuate all personnel from the east**
12 **precinct?**

13 MR. CRAMER: Objection. Form.

14 A. I don't ever remember the Seattle Police
15 Department informing me that they had made a decision to
16 do that. I remember learning of it, both by what I saw,
17 you know, on these monitors, and two of my colleagues
18 literally going up to the east precinct with their own
19 eyes and going, "What are you guys doing?"

20 So, you know -- yeah. So I don't -- I was
21 never given a memo that said on this time we're going to
22 do blah-blah-blah. I -- I saw it in real time.

23 BY MR. WEAVER:

24 **Q. So you learned sometime on June 8th that that**
25 **was what they were doing; is that correct?**

10 (Pages 37 to 40)

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1 remember, we were -- you know, we watched a police
 2 precinct burn down in Minneapolis, we had all kinds of,
 3 you know, various intel coming in from the various law
 4 enforcement community, the east precinct could be a
 5 target. So -- and at the same time -- at the same time,
 6 I believe it's in this meeting, where Chief Scoggins
 7 reminded us all that because of the placement of the
 8 east precinct, if a fire were to break out there, it
 9 likely would engulf the entire block. So it was sort
 10 of -- again, I think, like, all right, well, how do
 11 we -- what are the options? You know, what is it --
 12 this doesn't seem to be working. What are the
 13 alternatives?

14 And again, I think part of the idea, as I
 15 recall, was, you know, if we get people moving, like
 16 just let's not create a place -- let's not create a
 17 people-made barrier that just sort of continues to fuel
 18 night after night.

19 **Q. What was it that the police department wanted**
 20 **to do as of the meeting that you had with them on**
 21 **June 8th?**

22 MR. CRAMER: Objection. Foundation.

23 A. I don't know that we ever really -- in my
 24 meeting ever really got to that. You know, our
 25 meeting -- again, my meeting was more focused on, you

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1 I felt that the department was, you know, more focused
 2 on the -- on the precinct itself as a focal point,
 3 rather than as a component of a -- of a -- of a more
 4 comprehensive approach to -- to both de-escalating the
 5 situation and getting folks moving through the area.

6 And -- you know, and insofar as, you know, I --
 7 I remember having a conversation in which I said, you
 8 know, like -- you know, I was accu- -- you know, I was
 9 reminded by SPD that, you know, well, it's -- you know,
 10 we can't lose the precinct.

11 And I remember saying, "No one's suggesting we
 12 lose the precinct. I am saying, what are we doing to
 13 de-escalate this area?"

14 And, you know -- and again, you know, Chief
 15 Scoggins sitting there saying if a fire breaks out the
 16 whole block was going down was, you know, a pretty big
 17 reality check, I think, for all of us.

18 But anyway, but we had the meeting and then --
 19 but we did not get -- I don't remember us getting into
 20 specifics. I remember at some point, the SPD command
 21 staff went to a different conference room at the
 22 Emergency Operations Center and -- and had a convers- --
 23 separate conversation with Deputy Mayor Fong, and I
 24 believe the mayor's chief of staff, Stephanie Formas, of
 25 which I was not part of.

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1 know, we -- we're -- we are in this together. You know,
 2 we need to work together. We need to be honest with
 3 ourselves that something -- we've got to do something to
 4 get people off this one corner. And, you know, at some
 5 point there were conversations about, well, maybe we
 6 should just let them march by. Maybe we should move the
 7 barrier up a little bit and create some more space.

8 And -- and SPD, if I remember correctly, had
 9 tried moving the barriers, the -- the -- the barrier a
 10 couple of times in the previous days to see if that
 11 helped, and -- so we talked through that a little bit.

12 And -- you know, and I -- but -- but again, I
 13 think that meeting in particular was very much like, we
 14 need to all be on the same team. And -- and I would
 15 offer that, you know, SPD was very focused on the
 16 protection of the building, and -- you know, and -- and
 17 that's why, you know, I have said, you know, the -- was
 18 like, we -- you know, we've got to get out of the bunker
 19 mentality here. You know, like, it's -- it's -- how are
 20 we -- how are all of these pieces working together. And
 21 there were some strong opinions in the room.

22 BY MR. WEAVER:

23 **Q. Can you describe to me more what you mean by**
 24 **"bunker mentality"?**

25 A. There were at times -- in my opinion, at times

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1 **Q. How were you proposing, in this meeting, to**
 2 **de-escalate the situation around the east precinct on**
 3 **June 8th?**

4 A. I don't remember putting forward a specific
 5 proposal. Again, what I was trying to do was get us all
 6 to be on the same page about why we needed a different
 7 course of action, and what the shared objectives would
 8 be of a different course of action. And whatever that
 9 might be. You know, if it was marching by, different
 10 bar- -- whatever that thing may be. I didn't -- you
 11 know, I don't view my role as predetermining those
 12 outcomes. We were all in this together. We had all
 13 been going on no sleep, or very little sleep and, you
 14 know, I think it's important to remember, too, that, you
 15 know, there were still other protests in other parts of
 16 the city and, you know, it was -- you know, so that --
 17 that was stretching all of us, all of our resources and
 18 brain power. So, you know -- but, you know, my
 19 understanding of the subsequent meeting was that
 20 their -- SPD was going to come up with some options that
 21 they felt comfortable with. That's what I recall.

22 **Q. So in the meeting you were in, you said there**
 23 **were strong opinions. Can you tell me what some of**
 24 **those strong opinions were?**

25 A. Well, as I said, there were, you know, strong

13 (Pages 49 to 52)

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1 opinions that ranged from, hey, the reality is if a fire
 2 breaks out anywhere it's going to engulf the entire
 3 block, so we need to be mindful of that.
 4 There were strong opinions about the various
 5 kinds of intelligence that was coming in to -- to the
 6 City with respect to threats or potential threats on the
 7 building. There was a -- you know, I -- in some ways,
 8 like, we need to fortify the east precinct so that
 9 it's -- it can't be, you know, overtaken, I guess. And,
 10 you know, ranging to, you know, we should, you know --
 11 you know, wait it out, you know, and -- and then, as I
 12 said earlier, you know, or remove the barriers and
 13 create some sort of movement in and around that area so
 14 we weren't just, you know, all clustered up every night.
 15 So I -- I would just say that, you know, there
 16 was a range of -- of opinions. And I -- again, I think
 17 the friction point, to the extent that there was one,
 18 was about, you know -- you know, the mayor's, you know,
 19 objective or direction to us in this -- for this meeting
 20 was, like, everyone needs to be on the same page. Let's
 21 come up with a plan. What the approach has been the
 22 last few nights is clearly not working, it's not
 23 de-escalating the situation. So, like, what -- what
 24 else can we do?
 25 And I think the difference, again, from some in

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1 the room was, you know, well, we need to solve for the
 2 east precinct. And I just -- I did not -- I did not
 3 share that opinion. As a -- as I said, as a component
 4 of whatever our plan or strategy might have been, but
 5 not the organizing principle. I was worried about the
 6 whole block.
 7 **Q. Do you recall advocating during this meeting**
 8 **that ammunition, evidence, and firearms should be**
 9 **removed from the precinct?**
 10 A. I -- and this is where I get confused on the
 11 timing of this email. I -- I remember -- or I think
 12 it's fair to -- to suggest that I said at some point in
 13 this meeting, if you're so worried about firearms and
 14 ammunition, why don't we just remove it? We can supply
 15 you from the west precinct. Like, if that's the big
 16 thing, like, let's just remove that factor. And then we
 17 just kind of -- if I remember correctly, we just kind of
 18 moved on.
 19 My point being, I was trying to take away, you
 20 know -- strip away some of the argument so we could stay
 21 focused on what I thought our -- our mission was, which
 22 was to come up with an overall approach.
 23 **Q. Do you recall any discussions at that meeting**
 24 **about whether it would make sense for all or most of the**
 25 **personnel to also leave the building that day?**

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1 A. Can you say that again? I'm sorry.
 2 **Q. Do you recall any discussions at that meeting**
 3 **that you were at about most or all of the Seattle Police**
 4 **Department personnel also leaving the building?**
 5 A. No. In fact, the opposite. You know, there
 6 was a conversation or statement made about, you know,
 7 the signal it would send if the precinct were abandoned.
 8 And I said, no one's talking about that. No one's
 9 talking about -- what are you talking about? That is
 10 not what we're talking about.
 11 **Q. So who -- who raised that -- who raised the**
 12 **concept of people -- personnel possibly leaving?**
 13 A. Again, I don't want to suggest -- I want to be
 14 careful not to suggest that it was a proposal. It was
 15 not. It was much more in the theoretical of -- and not
 16 even the theoretical in terms of operational, but more
 17 of a, you know, atmospheric impression that that could
 18 make, and -- and we quickly moved on from that.
 19 I brought us back around to, like, that's
 20 not -- that's not what we're here to -- we're here to
 21 talk about a plan for de-escalating.
 22 **Q. Who raised it as a theoretical possibility?**
 23 A. If I recall -- if I recall, it was -- it was --
 24 I think it was Chief No- -- Assistant Chief Nollette.
 25 **Q. And so what -- what was the concern about the**

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1 **perception that might cause in that theoretical**
 2 **situation?**
 3 A. I -- I don't -- I don't recall. To be honest,
 4 I shut -- we shut it down -- I shut it down so quickly
 5 that it was sort of like, we're not even going to talk
 6 about this.
 7 **Q. Well, what was your concern -- what was your**
 8 **concern about the signal it might send?**
 9 A. I just -- I never saw it as an option. Like it
 10 wasn't even in my -- in my head of like -- let's just --
 11 again, as I said, if the concern was about guns and
 12 ammunition being in the building that could contribute
 13 to -- you know, be used as -- could become flammable
 14 materials, maybe we should explore taking those out.
 15 But again, I think it's important to -- to underscore
 16 that, you know, I -- I did not -- I'm not someone who
 17 likes to take just one thing. It's like, we got to,
 18 like, okay, that's a thing. We can solve -- how do we
 19 solve for that, but in the context of whatever the
 20 broader plan or objective is.
 21 **Q. Okay. I thought I heard you say earlier that**
 22 **the idea -- I'm sorry. I -- if you have more, go ahead.**
 23 A. No, no. I'm good.
 24 **Q. So I thought you were saying earlier, and**
 25 **correct me if I'm wrong, that you were saying that**

14 (Pages 53 to 56)

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1 time, and ability to have clean hands, was a really
2 important thing. So trying to balance all of those
3 pieces, you know, was -- was -- was challenging.

4 **Q. Do you recall that more porta-potties and hand**
5 **washing facilities were moved to the park on or after**
6 **June 10th of 2020?**

7 A. I remember more porta-potties moving into the
8 park at some point, but I could not tell you what day
9 that was.

10 **Q. Do you know how often they were serviced?**

11 A. I believe we serviced them every day, or
12 whatever the schedule -- whatever the normal schedule is
13 for -- for servicing them and, you know, that usually
14 comes in the form of a recommendation from the service
15 provider who tells us, you know, based on the level we
16 need to come more often or less often.

17 **Q. Do you recall there being any discussion among**
18 **you and the parks or Seattle Public Utilities about**
19 **whether providing additional porta-potties would make it**
20 **more likely that more people would show up and camp in**
21 **Cal Anderson and remain in the area?**

22 A. Yeah, I do remember having a conversation along
23 those lines.

24 **Q. Okay. What do you recall that conversation**
25 **being?**

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1 A. Again, trying to -- the need to attempt to
2 achieve a balance between, you know, what the literal
3 human needs are, realizing that, again, also in a global
4 pandemic, not a lot of restaurants were letting folks
5 use their bathrooms, and so from a -- you know, from a
6 public health perspective we needed to be responsive to
7 that, plus COVID.

8 And then, you know, I think another element was
9 just, you know, from my perspective, you know, trying
10 not to -- trying not to do anything that would encourage
11 the growth of the encampment.

12 **Q. So you were concerned that providing**
13 **porta-potties would encourage growth of the encampment;**
14 **is that right?**

15 MR. CRAMER: Objection. Form.

16 A. I -- I was -- I was -- I raised concerns about
17 us -- about needing to have a -- a more comprehensive
18 strategy for how we were going to deal with the
19 encampment.

20 BY MR. WEAVER:

21 **Q. Okay. Specific to the porta-potties, what was**
22 **your concern about how the number of porta-potties might**
23 **increase the size of the encampment?**

24 A. You know, it -- it -- in my view it had the
25 potential to suggest that -- to support folks wanting to

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1 stay than saying, jeez, I can't even go to the bathroom.

2 We've got to go.

3 **Q. Okay. How about -- I believe you said Seattle**
4 **Public Utilities was under your supervision as well; is**
5 **that correct?**

6 A. Yes.

7 **Q. Okay. So were you aware that there were**
8 **dumpsters provided at Cal Anderson Park for use by any**
9 **members of the public during the -- during June 2020?**

10 A. I don't remember specifically having dumpsters
11 placed in Cal Anderson Park, but I do -- I do, you
12 know -- I do remember having conversations about the
13 need for us to make sure we could keep up with, you
14 know, trash -- meet the trash and needs of just -- the
15 trash needs of the area.

16 **Q. Okay. So do you recall them being placed in**
17 **areas around or near Cal Anderson Park in June of 2020,**
18 **dumpsters, that is.**

19 A. No, not specifically.

20 **Q. Do you recall any similar conversation around**
21 **dumpsters that might be available to the public, and a**
22 **concern that that might also encourage more people to**
23 **come to the area to have garbage service?**

24 A. You know, again, I would just stress that, you
25 know, it's all a balancing act; right, of -- of in

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1 particular public health, and, you know, it is -- it is
2 something -- trash in our parks is something we
3 struggled very much, not just at Cal Anderson, but
4 across the entire parks system, with the onset of COVID
5 and through the end of the year last year. So, you
6 know, there are many theories about dumpsters, but I
7 will just tell you that the -- the -- from a public
8 health perspective, making sure people had ways to put
9 their trash -- get rid of their trash was important.

10 **Q. Do you recall whether it was part of that**
11 **discussion that you had, whether it was considered or**
12 **discussed whether having dumpsters might encourage**
13 **growth in the encampments?**

14 A. No, I don't.

15 **Q. So I'd like to go back to Exhibit 5, which is**
16 **your texts, and go to Page 40, which is part of your**
17 **texts with Mayor Durkan.**

18 A. 40.

19 **Q. Which I believe we have every text in here**
20 **from -- between you and Mayor Durkan, that we got.**

21 A. Okay. Page 40.

22 **Q. Page 40, and I'd like you to look at your text**
23 **of -- on June 20th, on -- at 6:14 a.m.**

24 A. Okay.

25 **Q. So what do you recall about the events that**

37 (Pages 145 to 148)

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1 time of this experience, there were folks who were there
2 to demonstrate and exercise their first amendment
3 rights. As we get closer to this point in time, you
4 know, there were folks that began to blend in and take
5 advantage of that situation, and to contribute to the
6 concerns that Deputy Mayor Fong articulated in this
7 email.

8 **Q. Were there specific events that you can recall**
9 **that raised nighttime public safety concerns and issues**
10 **on or before June 22, 2020?**

11 A. Well, certainly the shooting, which we
12 discussed a few minutes ago, and reports of property
13 damage in and around this area. You know, I think those
14 are two examples of -- of things that were occurring.
15 Whether they were related or not, I think is -- I don't
16 think anyone knows.

17 **Q. What sort of property damage are you referring**
18 **to?**

19 A. It's my recollection that, you know, folks
20 had -- had filed reports of broken or damaged windows,
21 graffiti. I think those were sort of the -- the big
22 ones.

23 **Q. Any others that you can think of, whether they**
24 **were big or not?**

25 A. Not off the top of my head.

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1 **Q. How long after this email on June 22, 2020, did**
2 **the park closure -- when did it finally happen?**

3 A. I -- I honestly can't tell you off the top of
4 my head, although it's a public record. I can't tell
5 you. I don't know.

6 **Q. Do you think it was a -- does about a week**
7 **later sound right to you?**

8 A. Yeah, that sounds about right. I mean, I think
9 wasn't our official -- wasn't our action the -- the 30th
10 or -- I don't know, 29, 30, 31, something like that. So
11 it would have been somewhere in that zone, I assume.

12 **Q. Okay. I'd like to go back to Exhibit 5, which**
13 **is the texts.**

14 A. Okay.

15 **Q. Page 43.**

16 A. Okay.

17 **Q. And this is Chat No. 2499, and at the top of**
18 **Page 43 your text of June 23, 2020, at 8:12 a.m.**

19 **Do you see that?**

20 A. Yes.

21 **Q. Okay. You say, "I had SPU cut the water off."**

22 A. Yes.

23 **Q. Okay. What do you recall about having SPU cut**
24 **the water off on June 23rd?**

25 A. You know, we made a couple of attempts to try

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1 to get -- try to nudge folks along, and if I recall
2 correctly, cutting water off was one of those
3 strategies.

4 **Q. Okay. So did you order the water cut off**
5 **because you thought that that might encourage people to**
6 **leave the park, Cal Anderson Park?**

7 A. Yes.

8 **Q. Okay. So were you concerned that the -- the**
9 **provision of water and allowing people to use the water**
10 **was encouraging them to stay longer in Cal Anderson Park**
11 **than they would have without water?**

12 A. I don't know about that. All I know is we
13 were -- again, we were trying to send every signal we
14 could to folks that it -- it was -- the time has come
15 for them to move on, and this was one thing that we did
16 in attempt to do that.

17 **Q. Okay. Do you know why you hadn't tried**
18 **shutting off the water before June 23, 2020?**

19 MR. CRAMER: Objection. Form.

20 A. I think we had -- I can't remember. I thought
21 that we had -- this is where the days all squish
22 together. I thought that we had -- we had either talked
23 about or even briefly cut the water off before, but it
24 may -- it may just have been here on the 23rd.

25 ///

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1 BY MR. WEAVER:

2 **Q. Would the reasons for cutting off the water**
3 **have been the same earlier, if you did it earlier?**

4 MR. CRAMER: Objection. Form.

5 A. I -- I believe so, yes.

6 BY MR. WEAVER:

7 **Q. Do you know what -- what use the people in Cal**
8 **Anderson Park or in the area around Cal Anderson Park**
9 **who were not permanent residents, do you know what use**
10 **they were putting the water to?**

11 A. One use was demonstrators had created a -- what
12 they referred to as a community garden, and they were
13 using water to support -- to support that.

14 **Q. That was a garden that was dug out of Cal**
15 **Anderson turf; is that correct?**

16 A. That's correct, yes.

17 **Q. Do you know other uses that the water was being**
18 **put to in Cal Anderson Park?**

19 A. I don't -- I don't remember.

20 **Q. Going down to your next text at 8:12, this is**
21 **just a few seconds later, on June 23rd, you say, "I**
22 **think at some point we cut whatever power there may be,**
23 **but not yet."**

24 **Do you see that?**

25 A. I'm sorry; I lost you here.

43 (Pages 169 to 172)

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1 Q. Okay. Page 43, Exhibit 5, just the next text
2 from you in this chain.

3 A. Yes, I see it.

4 Q. Okay. Why were you considering shutting off
5 the power that may have been supplied to people in Cal
6 Anderson Park?

7 A. First, I don't recall us supplying power. I
8 believe what happened is -- and unfortunately this
9 happens in many parts of the city. People had accessed
10 the power panel on -- on the lights in the park and were
11 using it to charge cellphones and other things.

12 You know, my recollection is this piece is --
13 is very similar to turning the water off, is it's --
14 it's time to go. It's like, please, just go. We
15 don't...

16 Q. Okay. So did you -- did you feel that having a
17 power source, whether it was jerry-rigged or not,
18 available to people, was encouraging them to stay
19 longer?

20 A. Again, it is an unfortunate situation across
21 our city that people are -- use these power sources not
22 for their intended use. You know, whether that
23 encouraged people to stay or not, I couldn't speak to
24 that, but I -- I just know, you know, sort of in my
25 head, at least, you know, making clear that these things

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1 A. I do remember the water being turned back on,
2 but I don't remember what day or what time it was.

3 Q. Okay. Why did you decide that the water should
4 be turned back on?

5 MR. CRAMER: Objection. Form.

6 A. I'm sorry. Can you ask the question again?

7 BY MR. WEAVER:

8 Q. Why did you decide that the water should be
9 turned back on?

10 A. Well, without the benefit of being able to
11 review these records, which are all sitting here, I
12 would say that it is likely that it became clear we were
13 not going to be successful in getting folks to
14 voluntarily remove themselves. And then, again, we had
15 to begin to balance the public health issues, and given
16 the fact that it -- you know, this is the middle of
17 June in the summertime in Seattle.

18 Q. Okay. So in 2542 there's a -- right before you
19 ask, "Should we turn it back on," to Mami -- or is it
20 Mami? I'm still not sure.

21 A. It's Mami.

22 Q. Okay. "This has been retweeted 70 times in a
23 short period and is picking up steam," and "For your
24 awareness, this has been retweeted 70 times and is
25 picking up steam."

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1 were -- were going away was, I thought, an important
2 signal to folks that it was time to go.

3 Q. You thought if you turned off the power it
4 would be more likely that people would leave the area
5 and the park; is that right?

6 A. That was our hope, you know, or at least it
7 would encourage some people to leave.

8 Q. Okay.

9 A. While we then focused in on what we would need
10 to do to help others leave.

11 Q. In your next text, at 8:13 a.m., you say, "SPU
12 also held on porta-potty servicing and trash removal."

13 Do you see that?

14 A. Yes.

15 Q. Was that also part of your plan to get -- tell
16 people it was time to go, you were going to stop
17 servicing the porta-potties and removing the trash?

18 A. That's my recollection, yes.

19 Q. I'd like you to go to Page 51, and on to
20 Page 52, there's a text chain, 2542 between you and Mami
21 Hara later on the day of June 23rd.

22 A. Uh-huh.

23 Q. I take it from this and some other documents
24 that you ended up turning the water back on in Cal
25 Anderson that day; is that right?

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1 Do you recall that there was an outcry among
2 protesters that the -- or people living in the park,
3 that the water had been turned off in Cal Anderson?

4 A. Yes. I remember.

5 Q. Okay. And you recall some tweets about it?

6 A. I'm not on Twitter, but I -- you know, I
7 remember people saying people were tweeting about it.

8 Q. Okay. And was it those posts on Twitter that
9 led you to reconsider your decision to shut off the
10 water in the park?

11 A. I don't -- I don't believe so.

12 Q. Okay. What do you think was the reason?

13 A. As I stated a moment ago, I think it was --
14 again, without the benefit of recollection here, is we
15 had -- it had become clear that we were not going to get
16 the voluntary relocation that we were hoping for that
17 day.

18 Q. So how many hours had the water been off by the
19 point you decided it should be turned back on?

20 A. I don't -- I don't remember.

21 Q. Okay. So these texts with Mami Hara appear to
22 be about 12:41, 12:40 on the 23rd, and the ones we were
23 looking at earlier with Jesús Aguirre, it looks like
24 that was 8:12 in the morning that you told him that you
25 had them shut off. Do you remember if it was just a

44 (Pages 173 to 176)

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1 So I think what you're seeing from me is a
2 frustration that, you know, we'd -- every -- at every
3 turn it seemed that some -- I shouldn't say at every
4 turn. There were times when it felt like the goalposts
5 were always getting moved. You know, here we are trying
6 to do this peacefully and respectfully and -- and the
7 goalposts keep getting moved on us.

8 **Q. So you were frustrated that the City was doing**
9 **what it could to make this a peaceful transition, and**
10 **you felt like you were getting nothing back from the**
11 **people you were trying to transition out of the area; is**
12 **that correct?**

13 A. Yeah, I -- I think that we -- again, it just
14 was a level of frustration that we -- you know, that the
15 goalposts continued to move on us, you know.

16 **Q. Okay. So what was your perception of what the**
17 **City had been giving to this process?**

18 A. I think in this context it was, you know, to
19 try to continue to support that garden being there and,
20 you know, talking with them about how we could
21 memorialize it, support it, create ways to honor that
22 moment in time. I think it was probably as -- you know,
23 that was kind of the gist of it, if I remember
24 correctly.

25 **Q. Okay. So the City had indicated that the**

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1 **garden that had been dug in the -- in the park would**
2 **re- -- you had indicated -- the City had indicated that**
3 **that would be allowed to remain permanently at that**
4 **point; is that correct?**

5 A. I don't know if -- I think what we had talked
6 about -- and again, I was not in these meetings, but I
7 think, you know, it had been discussed what were the
8 ways that we could preserve and/or support the efforts
9 by the individuals who -- who had started and maintained
10 that garden.

11 **Q. Also on June 23rd, the City had also started**
12 **doing the homeless and relocation outreach that we had**
13 **talked about earlier; correct? That was also happening**
14 **in the park on the 23rd?**

15 A. Yes, based on that email from Director Johnson.

16 **Q. And at that point there were still port-a-**
17 **potties in the park; right?**

18 A. That's correct, yes.

19 **Q. Okay. And there was still -- there was still**
20 **litter being picked up around the area; right?**

21 A. That's my -- yes, that's my recollection.

22 **Q. Okay. And the power was still on, even though**
23 **they'd jerry-rigged it; correct?**

24 A. Correct.

25 **Q. Okay. Did you feel that those were all things**

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1 **that the City was giving to the protesters in return for**
2 **nothing?**

3 A. I don't know. I -- to be honest, I -- I don't
4 know what I -- what I meant in that -- in that moment in
5 time when I sent that text. I just knew it was my job
6 to try to figure out how to get folks out of Cal
7 Anderson Park.

8 **Q. Okay. You were -- I mean, the wording was**
9 **pretty strong that the City was giving them everything**
10 **and they weren't doing shit. I mean, I'm not -- that's**
11 **not an exact quote, but would you agree that that's**
12 **pretty strong language?**

13 A. Yes, it is very strong language.

14 **Q. You were -- you were very frustrated at that**
15 **point; correct?**

16 A. That is correct, yes.

17 **Q. And you felt that you were -- that whatever you**
18 **had negotiated and agreed with with the protesters was**
19 **never enough; that the City could never please them**
20 **completely; right?**

21 MR. CRAMER: Objection. Form.

22 A. I don't know that I would characterize it that
23 way. I think it was more of a -- you know, the -- not
24 having clarity on what all the things are that we could
25 have done to -- you know, to resolve the encampment was

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1 frustrating. I mean, it was -- you know, and -- but I'm
2 glad that's why we had, you know, the Human Services
3 Department fire up its stuff and try to think outside
4 the box of who we could bring to the table to try to
5 help engage, you know, folks who were -- were in the
6 park.

7 BY MR. WEAVER:

8 **Q. Do you know whether at this point the City had**
9 **also indicated to people in the area that they would**
10 **preserve the artworks that had been created during the**
11 **CHOP period of June 8th through the end of June 2020?**

12 A. Yeah, I am aware that there was an effort to
13 store the art.

14 **Q. Okay. And -- I mean, as of June 23rd, when you**
15 **wrote this, had the City -- do you know whether the City**
16 **had been -- had offered that as well to the protesters?**

17 A. I don't remember.

18 **Q. Okay. Okay. Going further down this text**
19 **chain with Mami Hara, on the next page, Page 52, at**
20 **12:46 p.m., you indicate that -- you say, "I mean, we're**
21 **offering to store their plants in our greenhouses and**
22 **water their," all caps, "illegal garden."**

23 **What was -- what were you -- what was the offer**
24 **to store plants in the City's greenhouses?**

25 A. It was just that. We were offering to -- to

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store plants in our greenhouse space as a commitment to working with them going forward.

Q. Okay. Did that end up happening?

A. I think it did.

Q. Okay.

A. But you'd have to ask Parks. I don't remember off the top of my head, but I believe it did.

Q. Where was the greenhouse where they were -- where they were talking about storing them?

A. I don't remember. You'd have to ask Parks.

Q. Okay. Do you know whether it was on Cal -- in Cal Anderson, or do you not know at all?

A. I don't know it -- I don't believe it was in Cal Anderson. I don't think we have a greenhouse in Cal Anderson.

Q. Seems like you were pretty clear that their garden was illegal. Would you agree with me on that?

MR. CRAMER: Objection. Form, foundation.

A. I mean, I stated it as -- as such, yes.

BY MR. WEAVER:

Q. Okay. Do you believe their garden was illegal?

MR. CRAMER: Same objection.

A. Yeah, I mean, I -- I -- as I stated -- I'm not going to contradict myself here -- yeah, they tore up part of the park.

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everybody went home from the area around Cal Anderson and the east precinct following the mayor's order, or declaration?

A. Yes.

Q. In fact, there were still shootings and violence in the week after -- in the area around Cal Anderson and the east precinct after her declaration; correct?

A. I'm --

MR. CRAMER: Objection. Form.

A. Yeah, I'm aware -- I mean, there continued to be troubling activity in and around the area, yes.

BY MR. WEAVER:

Q. Okay. What do you mean by "troubling activity"?

A. You know, I -- my understanding that, you know there were -- in addition to demonstrations happening in other parts of the city, including in this area, there also was, if I recall, reports of property damage. I can't remember the -- the timing of shootings or shots fired. I just don't remember, but...

Q. How many tents were still on the -- in the -- in the Cal Anderson Park in the week after the mayor indicated it was time for everybody to go home?

A. I -- I don't know.

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BY MR. WEAVER:

Q. Okay. Do you -- do you think that was a citable offense?

MR. CRAMER: Same objection.

A. I don't know. I'm not going to -- I don't know.

BY MR. WEAVER:

Q. Do you know whether there were any charges filed for the creation of the illegal garden?

A. I don't know.

MR. WEAVER: Okay. Let's go off the record.

THE VIDEOGRAPHER: Going off the record.

The time now is approximately 3:48 p.m.

(Recess from 3:48 p.m. to 4:03 p.m.)

THE VIDEOGRAPHER: Going back on the record.

The time now is approximately 4:03 p.m.

E X A M I N A T I O N (Continuing)

BY MR. WEAVER:

Q. Okay. So do you recall that it was on June 22nd that the mayor declared in a public press conference that it was time for people to go home, or something along those lines?

A. I don't remember the day, but I do remember her doing that, yes.

Q. Okay. All right. Is it safe to say that not

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MR. CRAMER: Objection.

BY MR. WEAVER:

Q. Go back to Exhibit 5, and Pages 9 to 10.

A. Okay.

Q. And at the bottom there's a text from Mami Hara to a group that includes you, indicating that as of June 24th, tent count was 30 on the play field, 75 around the bathrooms, garden, and play structure, 35 on the north side of the park, and 10 tents re-camped around the precinct, and then the next one looks like 50 less overall.

Do you see that?

A. I do, yes.

Q. Okay. So my count is that as of June 24th there were -- you'd think I would have done this before, but about 150 tents; is that right?

A. You're better at quick math than I am.

Q. All right. I mean, do you recall that there were at some point 200 or more tents in and around Cal Anderson and the east precinct towards the end of June 2020?

A. I'm not going to speculate about the -- the -- the -- the number of tents, but there -- but there were -- there were a lot of tents in the park, and as indicated here, as well as near the -- near the precinct

47 (Pages 185 to 188)

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1 itself.

2 **Q. Mami was there every day; right?**

3 A. Mami was there, I think, every day or so, and
4 other folks. And by this point, on the 24th, right, I
5 believe our -- the navigation team was also on site as
6 well, the Human Services Department's navigation team
7 was on site, which specifically engages in
8 encampments -- in encampment work.

9 **Q. Okay. Going down further -- actually, it's on**
10 **the next page, it's actually Text Chain 794, on Page 10.**

11 A. Oh.

12 **Q. Text from Mayor Fong -- or sorry, Mike Fong.**
13 **It's been a long day. Saying "The mayor just called and**
14 **wants the newly constructed barriers up on 12th**
15 **removed."**

16 **Do you see that?**

17 A. Yes.

18 **Q. Okay. What do you recall about during this**
19 **week, after the mayor said it was time to go home, that**
20 **there were still new barriers showing up in the area?**

21 MR. CRAMER: Objection. Form.

22 A. Can you -- can you ask me that again, please?
23 I'm sorry.

24 BY MR. WEAVER:

25 **Q. During the week of June 22nd, do you recall**

Page 191

1 A. Yes.

2 **Q. Okay. And why was it a concern that there were**
3 **new cars in the park on June 25th?**

4 A. You know, at this point, as the -- in the text
5 string we just looked at, in reference to Deputy Mayor
6 Fong's text message about barricades, by this point, you
7 know, a number of departments were working on tactical
8 plans to remove -- to remove all the barriers and remove
9 the encampment and materials from Cal Anderson Park and
10 Bobby Moore's field.

11 So part and parcel to that, you know, I -- we
12 all wanted sort of a continuous update on what we were
13 seeing on the ground to ensure that whatever -- you
14 know, if something changed, that our -- that it didn't
15 compromise the tactical plans that were being drawn up,
16 reviewed, prepared, whatever.

17 **Q. Okay. And were there more tents arriving in**
18 **the area as well, in and around Cal Anderson and the**
19 **east precinct, on June 25th?**

20 A. If I recall, what -- what was happening was we
21 were making really good progress in the park itself, and
22 getting folks to voluntarily remove themselves by
23 accepting services. But as this email -- or text
24 message, pardon me -- indicates, there were some tents
25 that popped up, new tents that popped up, up around the

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1 **that there were new barriers showing up overnight in**
2 **areas where they had not previously been?**

3 A. I re- -- I recall barriers showing up. Whether
4 or not they had not been there before or not, I couldn't
5 tell you.

6 **Q. Okay.**

7 A. Based on my own memory.

8 **Q. Do you recall them being moved around in this**
9 **time period by the protesters, or by people in the area?**

10 MR. CRAMER: Objection. Form.

11 A. That is my -- that is my recollection, yes,
12 that some of these were -- were moved around at times.

13 BY MR. WEAVER:

14 **Q. Okay. Go back to 7 -- sorry -- Page 4, 786.**
15 **At the bottom of the page of -- of Page 4 there is a**
16 **text from you on June 25th. I'm sorry. What's funny?**

17 A. I'm sorry. I just -- I'm a little punchy, and
18 I'm reading my text message at the same time.

19 **Q. Okay. So you indicate there's some new cars in**
20 **the park.**

21 **Do you see that?**

22 A. Yes.

23 **Q. Okay. And that was -- that was what Mami had**
24 **told you as she was reporting from the area, as you**
25 **recall?**

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1 precinct. But I -- I seem to remember that once the
2 navigation team was on site and other contracted service
3 providers, that we did begin to make quite a bit of
4 progress on addressing individuals in Cal Anderson Park.

5 And I remind you that we also were just -- you
6 know, as the navigation team was there and other service
7 providers, you know, realizing again that, you know,
8 some percentage of these tents were, in fact, abandoned.

9 **Q. What did you mean by "Burning Man going**
10 **strong"?**

11 A. Well, as you know, as I've said, you know,
12 throughout this deposition, there -- you know, this area
13 attracted lots of different people, you know, that were
14 there to demonstrate, some that were there to be
15 tourists, some that were there to -- to experience it, I
16 guess, or whatever. But there was a -- a -- a -- a
17 contingent up on the northern part of Cal Anderson, who
18 I can't remember who dubbed them this, but I -- I
19 remember one of us saying -- it might have even been me
20 saying, you know, these guys, they -- they got no
21 connection to anything here. These guys are basically
22 having their Burning Man moment and, you know, hanging
23 out. They're -- they are -- they're here because
24 they -- they're just here, but they're kind of -- my
25 recollection being they were sort of harmless, they were

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Casey Sixkiller

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1 sort of like, hey, look, there's a party going on and
2 we're going to hang out and...

3 **Q. When do you recall the Burning Man**
4 **contingent -- when do you recall noticing the Burning**
5 **Man contingent?**

6 A. Before -- before this date, for sure. I don't
7 remember when they -- I don't remember when I or
8 somebody else coined the phrase.

9 **Q. Do you think there was any particular reason**
10 **that the area around Cal Anderson Park and the east**
11 **precinct became a magnet for various types of groups,**
12 **such as the Burning Man contingent or homeless people in**
13 **June of 2020?**

14 MR. CRAMER: Objection. Form.

15 A. Well, I -- I mean, I think that there's, you
16 know, probably a lot of different reasons why that
17 occurred. You know, again, you know, we're in the
18 middle of a global pandemic. People have been cooped up
19 for weeks and months. Whether we like it or not, this
20 entire experience was national news. You had the
21 president of the United States and the attorney general
22 of the United States issuing statements condemning
23 Seattle as a whatever, a socialist state of some kind.
24 You know, our encampment team met people who were living
25 in the park who had just come in on the bus from -- or

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1 encampments that exist all across our city. Crime
2 exists all across our city. As this past summer has
3 showed us, shots fired and victims of gun violence
4 happen all across our city. And so I -- I -- so no, I
5 don't -- I don't believe that -- I don't believe that
6 that contributed to the events that occurred in June of
7 20 in this area.

8 **Q. Do you know whether crime increased in the area**
9 **in and around Cal Anderson Park and the east precinct**
10 **during the time of June 2020?**

11 A. I think that's a question you'll have to ask
12 Chief Best. I don't have that -- I don't have the crime
13 data --

14 **Q. Sure.**

15 A. -- in my head.

16 **Q. Do you know what happened to 911 response times**
17 **in the area in and around Cal Anderson Park and the east**
18 **precinct in June of 2020?**

19 A. I recall that not just around Cal Anderson, but
20 throughout the entire area serviced by the east precinct
21 that 911 calls -- the response times to 911 calls
22 increased, but the fraction by which, I could not tell
23 you.

24 **Q. Okay. So you indicated earlier that as of the**
25 **last week of June of 2020, there were plans for multiple**

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1 the plane from New York, wanted to be here as part of
2 this. You know, so -- and at the same time -- at the
3 same time you have people that were come -- that live in
4 Seattle that were coming there to demonstrate, right,
5 and to, you know paint the Black Lives Matter mural, who
6 were there to talk and engage with others about the
7 moment in time that our country was experiencing. So
8 it's -- I think this -- therein lies the complexity of
9 this entire thing. There are just so many different
10 elements, both in terms of people who were there and
11 also just the factors that we were all trying to weave
12 through, balance, understand, and -- and I just think
13 it -- that -- and it evolved over time.

14 BY MR. WEAVER:

15 **Q. Do you think, based on everything you know**
16 **about what was happening in Capitol Hill in June 2020,**
17 **that the lack of a police presence in the east precinct**
18 **encouraged various groups to seek out the area in and**
19 **around the precinct and Cal Anderson Park --**

20 MR. CRAMER: Object to form.

21 BY MR. WEAVER:

22 **Q. -- as opposed to being a camp?**

23 A. No, I don't.

24 **Q. Why is that?**

25 A. In part, there are -- you know, there are

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1 **departments to clear out the area of people and**
2 **barricades, meaning the area in and around Cal Anderson**
3 **Park and the east precinct.**

4 **Do you remember that?**

5 A. Yes.

6 **Q. Okay. What, from your perception, caused the**
7 **delay in actually clearing out the park and the -- and**
8 **the streets in that area until July 1, 2020?**

9 MR. CRAMER: Objection. Form.

10 A. I -- I think there are -- I think number one,
11 it was a very complex -- it was a complex environment,
12 and, you know, I think we were trying to balance and
13 work through several things. You know, in the park, as
14 we've discussed, the navigation team was up there, the
15 homelessness service providers were up there, and there
16 was, you know, a combination of people who -- as an
17 example, who were experiencing homelessness that were
18 known to our service providers as experiencing
19 homelessness in the Capitol Hill area, and we were able
20 to connect them to services and -- and, you know, get
21 them out of the park.

22 There were others who, despite being given the
23 opportunity to come inside, the opportunity to get, you
24 know -- have financial support to go home, wherever home
25 was, refused. And I say that because I think it's

49 (Pages 193 to 196)

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1 important, you know, throughout this period, you know,
 2 we're -- we're -- we're constantly trying to reduce the
 3 footprint; right? We're trying to -- we're trying to --
 4 we start -- start a couple weeks before this, and we try
 5 to get all these barriers removed, we get rebuffed.
 6 We have a smaller plan, and the whole time
 7 we're trying to -- you know, to reduce the size of the
 8 footprint, again, with respect to Cal Anderson Park, is
 9 really get a sense of how many people are actually
 10 there? How many of these tents are actually, you know,
 11 being used by someone who's experiencing homelessness,
 12 or are in fact abandoned? And, you know, all of that
 13 takes time, it takes a lot of coordination.
 14 And at the same time, you know, we wanted to
 15 get it right; right? We didn't want to have -- you
 16 know, what I've said several times throughout this
 17 deposition, that, you know, we were trying really hard
 18 to not create new opportunities to have a negative
 19 interaction between, or flash point between, the Seattle
 20 Police Department and -- and nonpolice personnel. And
 21 frankly, I think that we succeeded at that. And, you
 22 know, unlike earlier, in late May, where we had, you
 23 know, mutual aid from other law enforcement agencies, by
 24 the end of June we did not. And I'm sure that Chief
 25 Best will -- will at some point talk about the

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1 question about a specific subpopulation, you need to ask
 2 the mayor.
 3 **Q. Okay. Did she tell you she was concerned about**
 4 **the safety of everyone?**
 5 A. Yeah.
 6 **Q. Okay. What do you recall about that**
 7 **conversation and the safety?**
 8 A. Again, I think it goes back to, you know, we
 9 want to make sure that we are -- you know, we've done
 10 the right planning, we've done all the things we can to
 11 get people inside, to get people to exit the park, to
 12 exit the area, for folks to know that this -- this --
 13 this is over. Like it's time for folks to -- to go
 14 home, to exercise their first amendment rights in a
 15 different way, in a different place, and -- and allow
 16 us, the City, the opportunity to -- to begin to restore
 17 the park and all the other pieces that had been impacted
 18 over the previous four weeks, and to do that in a way
 19 that, you know, didn't -- didn't result in -- in harm
 20 to -- to people, whether that was, you know, residents,
 21 city personnel, visitors, or police or fire, or City
 22 employees.
 23 **Q. At some point did you learn that this lawsuit**
 24 **had been filed by business owners and residents in the**
 25 **area in late June 2020?**

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1 complexity that added to her planing and execution of
 2 her tactical plan.
 3 But -- so there was a -- there was a lot to --
 4 to -- to work through, and -- and again, you know,
 5 our -- the mayor's focus was on, you know, the safety of
 6 everyone involved, and -- and -- and trying to resolve
 7 this entire situation as expeditiously, peacefully, as
 8 possible, and I -- I -- I think on the day of the
 9 operation that planning and that commitment worked out.
 10 BY MR. WEAVER:
 11 **Q. So you were concerned -- you said the mayor was**
 12 **concerned about the safety of everyone. Was the mayor**
 13 **concerned about -- in this late June 2020 time period,**
 14 **concerned about the safety of residents and business**
 15 **owners in the area around Cal Anderson and the east**
 16 **precinct?**
 17 MR. CRAMER: Objection. Form.
 18 A. Yeah, I think you'd have to ask -- you know, I
 19 think that's a question for Mayor Durkan.
 20 BY MR. WEAVER:
 21 **Q. Okay. How do you know the mayor was, in your**
 22 **words, concerned about the safety of everyone?**
 23 A. Well, I described it as everyone, and you asked
 24 me about a subpopulation of everyone. So my definition
 25 of everyone is everyone. You're -- you want to ask a

Page 200

1 A. I was aware that -- that a lawsuit had been
 2 filed, but I can't -- I certainly -- I don't -- I don't
 3 know what -- I don't remember who it -- who filed it.
 4 **Q. Well, I can tell you it was -- it was us.**
 5 A. I surmised that. That I -- that I figured out,
 6 yes.
 7 **Q. It was not just me, but it was -- I was**
 8 **involved.**
 9 **So do you recall the existence of a lawsuit**
 10 **causing an acceleration of the desire to clear the**
 11 **streets and park in June of 2020?**
 12 A. No, I don't.
 13 **Q. What discussion do you recall there being about**
 14 **the lawsuit?**
 15 MR. CRAMER: And I'll advise the deponent
 16 not to testify to conversations you had with the City
 17 attorneys. That's privileged.
 18 A. I -- I do not remember having a conversation
 19 about the lawsuit and its bearing or not bearing on any
 20 of the operational decisions we were making at that
 21 time. I just remember being informed there was -- a
 22 lawsuit had been filed.
 23 BY MR. WEAVER:
 24 **Q. When do you recall the final decision was made**
 25 **that the City was going to close the park, the City was**

50 (Pages 197 to 200)

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(Deposition concluded at 4:59 p.m.)
 (Reading and signing was requested
 pursuant to FRCP Rule 30(e).)
 -o0o-

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C E R T I F I C A T E

STATE OF WASHINGTON
 COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in
 and for the State of Washington, do hereby certify that
 the foregoing transcript of the deposition of Casey
 Sixkiller, having been duly sworn, on October 12, 2021,
 is true and accurate to the best of my knowledge, skill
 and ability.

IN WITNESS WHEREOF, I have hereunto set my hand
 and seal this 22nd day of October, 2021.



CINDY M. KOCH, CCR, RPR, CRR #2357

My commission expires:
 JUNE 9, 2022

55 (Pages 217 to 218)

Exhibit 5

Hunters Capital, LLC v. City of Seattle

30(b)(6) and Individual Deposition of Samuel Zimbabwe

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)
Plaintiff,)
vs.) No. 20-cv-00983-TSZ
CITY OF SEATTLE,)
Defendant.)

VIDEOTAPED VIDEOCONFERENCE 30(b)(6) AND INDIVIDUAL
DEPOSITION UPON ORAL EXAMINATION OF
CITY OF SEATTLE
(SAMUEL ZIMBABWE)

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: OCTOBER 28, 2021
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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DEPOSITION OF SAMUEL ZIMBABWE
EXAMINATION INDEX

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Exhibit 3 "Re: SFD Protest Zone Response Map"; SEA_00020379-384 20
Exhibit 4 Email chain; SEA_00105259 43
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* * * * *

Page 4

SEATTLE, WASHINGTON; OCTOBER 28, 2021
9:05 a.m.
-o0o-

THE VIDEOGRAPHER: Good morning. This is the deposition of Samuel Zimbabwe in the matter of Hunters Capital, LLC, et al., v. City of Seattle, Case No. 20-cv-00983, in the United States District Court, Western District of Washington, at Seattle, and was noticed by Calfo Eakes.

The time now is approximately 9:05 a.m. on this 28th day of October, 2021, and we are convening via Buell Virtual Depositions.

My name is Cathy Zak, from Buell Realtime Reporting, LLC, located at 1325 4th Avenue, Suite 1840, in Seattle, Washington 98101.

Will counsel please identify themselves for the record.

MR. WEAVER: This is Tyler Weaver, for the plaintiffs, from Calfo Eakes. And with me I have Gabe Reilly-Bates, who is also participating, is online today.

MR. CRAMER: And Shane Cramer, Harrigan Leyh, on behalf of the Defendant City of Seattle.

THE VIDEOGRAPHER: Thank you. The court reporter may now swear in the witness.

1 (Pages 1 to 4)

Page 9

1 BY MR. WEAVER:

2 **Q. -- provision of barriers -- I'm sorry.**

3 MR. WEAVER: Did somebody say something?

4 MR. CRAMER: I think it was added to the
5 chat before I logged in. Can you re-add it to the chat?

6 MR. WEAVER: Oh, sure. Yep.

7 MR. CRAMER: Thanks.

8 BY MR. WEAVER:

9 **Q. So my understanding is, you're going to be**
10 **talking about the City's provision of barriers and any**
11 **other physical resources that SDOT provided; is that**
12 **correct?**

13 A. That's my understanding, yes.

14 **Q. Okay. And then with regard to Topic 36, which**
15 **is down at the bottom of that page and runs on to the**
16 **next page, you're also going to be talking about the 36,**
17 **subparagraph -- Subsection 2 and 4; is that correct?**

18 A. Yes, that's correct.

19 (Exhibit No. 2 marked.)

20 BY MR. WEAVER:

21 **Q. All right. So with regard to that, I want to**
22 **drop into the chat Exhibit 2.**

23 **I take it you've seen Exhibit 2 before?**

24 A. It hasn't quite come in yet.

25 **Q. Okay. All right.**

Page 10

1 MR. CRAMER: I have not received it either,
2 so I don't know if it's --

3 MR. WEAVER: All right. Well, let me try --
4 let me try again. For some reason, it didn't come
5 through, it looks like, so -- all right.

6 BY MR. WEAVER:

7 **Q. Try it now.**

8 A. Okay. And your question was, have I -- am I
9 familiar with this document?

10 **Q. Yeah, yeah.**

11 A. Yes, I am.

12 **Q. Okay. So if you could go to the top of Page 2**
13 **of this Exhibit 2.**

14 **So my understanding is, you're -- you're here**
15 **to provide testimony about the factual basis for the**
16 **second bullet point in that first paragraph, which is,**
17 **"Temporarily allowing obstructions of public parks,**
18 **streets, and sidewalks."**

19 **And I was wondering if you could tell me your**
20 **understanding of -- of what the obstructions of public**
21 **parks, streets, and sidewalks were in the area that's**
22 **being discussed in this paragraph.**

23 A. Sure. Well, there were some -- during the time
24 of the protests, there were some temporary and then we
25 changed some of the traffic patterns in order to

Page 11

1 separate pedestrians and people protesting from
2 vehicular traffic, and that modified some of the
3 underlying traffic conditions in the area, I would say,
4 between 10th Avenue and 12th Avenue, and between Olive
5 and Pike.

6 **Q. Okay. So first let's break that down. So the**
7 **time period that we're -- you're talking about, is that**
8 **the night of June 8th through the morning of July 1,**
9 **2020?**

10 A. The SDOT involvement, I would say, started
11 really the -- I think the morning of July -- I mean
12 June 9th.

13 **Q. Okay.**

14 A. In terms of our involvement in -- in some of
15 the traffic pattern changes.

16 **Q. Okay. Well, let's talk about some of the**
17 **things that were -- were obstructed. First you said**
18 **there were some temporary barriers. What were you**
19 **referring to there?**

20 A. Well, I was -- I guess -- I think I was -- I
21 meant that there were some temporary -- so when -- when
22 they were -- before June 8th, when there were ongoing,
23 active protests that were temporary in nature, there
24 would be times when traffic patterns were obstructed by
25 the protest activities.

Page 12

1 The -- after -- and as part of the crowd
2 control approach, prior to June 8th, there were some
3 typical traffic control barriers, what we call water
4 filled barriers.

5 They're the generally orange and white barriers
6 that we use on a regular basis. And they're plastic,
7 they get filled with water, and they become sort of
8 immovable. They can -- they can help separate vehicles
9 from pedestrians.

10 So those were -- SDOT had provided those,
11 worked with -- with Seattle Police Department to provide
12 those as part of the crowd control approach prior to
13 June -- June 8th.

14 After June 9th, there were -- and really there
15 were -- not for another few days, we did provide some
16 other barrier -- barriers that were intended to provide
17 some regular traffic patterns between the area that
18 people were protesting and areas that were open for
19 vehicular traffic.

20 And those included some concrete blocks that we
21 commonly refer to as ecology blocks, and then some other
22 traffic control devices.

23 **Q. Okay. So there were -- there had been some**
24 **protests prior to June 8th or June 9th in the area**
25 **around the East Precinct in Cal Anderson Park; right?**

Page 13

1 A. That's right.

2 Q. Okay. And there had been some barriers that
3 had been used by the City and the police department in
4 that area as well with relation to those prior protests;
5 right?

6 A. That's right.

7 Q. Okay. And those included -- those included the
8 water filled barriers that you were talking about?

9 A. Yes.

10 Q. So were those -- are those large orange
11 barriers that are filled with water typically?

12 A. Yes.

13 Q. Okay. About how big are there?

14 A. They're about six feet long each, and about
15 two and a half to three feet tall.

16 Q. Okay.

17 A. They're similar in size to what a Jersey
18 barrier -- you know, a concrete Jersey barrier would be,
19 but they are more easily moved. And then once they're
20 filled with water, they're generally not as movable.

21 Q. Okay. What's the difference between a Jersey
22 barrier and an ecology block? I've been trying to
23 figure this out, but you're the man, so --

24 A. Yeah. Sure. So Jersey barriers are -- are
25 concrete barriers that are often used in a highway

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1 situation that provide some barrier between, you know,
2 fast-moving traffic in general and something else,
3 whether that's other fast-moving traffic or pedestrians.
4 They're what you would typically see along the center of
5 a highway.

6 Ecology blocks -- oh, sorry. Go ahead.

7 Q. Are the Jersey barriers, are they concrete?

8 A. They are.

9 Q. Okay. But they're not as large as the ecology
10 blocks; is that correct?

11 A. They're -- they're a slightly different shape,
12 and they're engineered to -- again, they're really
13 engineered for high-speed vehicular traffic. And when a
14 vehicle crashes into them, it sort of pushes the vehicle
15 back into the -- the lane that it was coming from.

16 It sort of -- it's a -- designed -- I'm not
17 a -- I'm not a traffic engineer to -- to understand
18 exactly the -- the physical dynamics of it, but it's, in
19 general, intended for that higher -- higher speed
20 condition, and it -- it responds to how vehicles would
21 crash into it.

22 An ecology block is more of a rectangular block
23 that is -- can be used as a traffic control -- as part
24 of traffic control, but is often used stacked on top
25 of -- you know, they're -- they can be stacked on top of

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1 each other and used as sort of a retaining wall sort
2 of -- part of a retaining wall deployment.

3 Q. Okay. How -- how large and heavy are the
4 ecology blocks?

5 A. So the ecology blocks are -- they come in some
6 different sizes, but they're typically about two feet
7 tall, three feet long, and two feet deep.

8 Q. Okay. Do you know how heavy they are?

9 A. They're multiple hundred pounds. I mean, we --
10 when we move them, we use a piece of construction
11 equipment to move them. They're not something that
12 individuals can move.

13 Q. Okay. Okay. So going back to before we were
14 clarifying what kind of barriers we're talking about,
15 so -- so prior to the evening of June 8th, were -- there
16 were -- were there -- were there Jersey barriers in the
17 area of the East Precinct?

18 A. You know, I believe that there were a few
19 ecology blocks that had been provided by SDOT very close
20 to the precinct itself, but not as part of the crowd
21 control approach.

22 Q. Okay. What were they -- what were they there
23 for?

24 A. You know, I'm -- I'm not exactly sure what they
25 were there for. But they were, you know, very close to

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1 the precinct itself.

2 Q. Okay. And were there other things that had
3 been used as barriers that were in the area on the night
4 of June 8th, like bicycle racks and that sort of thing?

5 A. Yeah, I believe that there had been some what
6 are commonly called bicycle rack barriers. Those are
7 the sort of metal fencing that I think are -- are pretty
8 standard crowd control -- also used in crowd control
9 situations, but they can be used as bicycle racks as
10 well.

11 And then I believe that there were some other
12 sort of black metal concert -- barriers that are
13 typically used for concert fencing, that were not SDOT
14 provided, but they were -- they were present there.

15 Q. Okay. And on the night of June 8th into
16 June 9th, those barriers that were there had been moved
17 by people in the area; is that correct?

18 A. That's correct.

19 Q. And they were blocking certain streets and
20 sidewalks at that point, on the morning of June 9th?

21 A. Yeah. So at -- at the point -- you know, I --
22 I went to that area for the first time on June 9th.
23 When I arrived there, there were all sort of -- all sort
24 of manner of barricades that had been set up by -- by
25 both protest groups and individuals.

4 (Pages 13 to 16)

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1 And they included the materials that we've
2 talked about, and then they included some other -- other
3 things as well. I think there were some bleachers from
4 Cal Anderson Park that had moved -- been moved into
5 various places.

6 There were some dumpsters that had been moved
7 around. There was a variety of different things that
8 were -- had been moved into -- into creating sort of
9 barricades that blocked different places within the --
10 that area.

11 **Q. Okay. So there were streets -- areas that were**
12 **blocked off included streets and sidewalks; is that**
13 **right?**

14 A. Yeah, I -- you know, I don't remember there
15 being sidewalks that were blocked off.

16 **Q. Okay.**

17 A. And there were certain -- certain streets that
18 were blocked off, and then there were certain streets
19 that were -- remained open.

20 **Q. And we're -- we're still talking about the**
21 **morning of June 9th; right?**

22 A. Yes.

23 **Q. Okay. At some point did -- were there**
24 **blockages of sidewalks in the month of June, between**
25 **June 9th and July 1, 2020?**

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1 A. You know, I don't remember there being
2 blockages of sidewalks, but there -- there may have been
3 at -- at various points. I don't remember there being
4 barricades blocking sidewalks.

5 **Q. How about other things blocking sidewalks,**
6 **other than barricades?**

7 MR. CRAMER: Objection. Form.

8 A. I think --

9 MR. CRAMER: You can go ahead and answer.

10 THE WITNESS: Oh, okay.

11 A. I don't recall there being blockages of
12 sidewalks. There may have been temporary, but I don't
13 remember them being either on the morning of June 9th or
14 at -- at other points.

15 BY MR. WEAVER:

16 **Q. Okay. So do you know why the order that we're**
17 **referring to as Exhibit 2 talks about obstructions of**
18 **sidewalks in the area defined in the first paragraph?**

19 A. I mean, I -- there were times when there were
20 large crowds of people, which would have -- would have
21 made it challenging to pass through. And so I -- you
22 know, I wouldn't want to speculate too much, but I -- I
23 can imagine that that's what went into the drafting of
24 the -- of a temporary obstruction of sidewalks from
25 the -- from -- by protest -- by protest activities.

Page 19

1 **Q. Do you know whether there were tents that were**
2 **occasionally on the sidewalks in the area during June**
3 **2020?**

4 A. Yes. That's a -- that's a fair -- fair point.
5 There were -- I think there probably were some tents at
6 various points. I don't know whether they fully
7 obstructed sidewalks, but there definitely were times
8 where there were tents on the sidewalks.

9 **Q. How about tents in the -- do you recall tents**
10 **in Cal Anderson Park?**

11 A. You know, I -- I do recall tents in Cal
12 Anderson Park. The park itself is not part of SDOT's
13 jurisdiction, and so I didn't spend very much time at
14 all inside of Cal Anderson Park. So I wouldn't want to
15 speculate too much on -- on what the conditions were
16 inside of Cal Anderson Park.

17 **Q. Okay. So are you able to testify about**
18 **temporary obs- -- temporary obstructions of public**
19 **parks?**

20 A. I'm not.

21 **Q. Okay. What does the order that's Exhibit 2**
22 **mean when it says that the City temporary -- temporary**
23 **allowed these obstructions? What does it mean to allow**
24 **the obstructions?**

25 A. You know, if we -- you know, I think typically

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1 if -- if a -- if a private entity obstructs a street, we
2 have -- with -- with materials or -- or things like
3 that, we have a group of street use inspectors, they're
4 called. They're people who enforce the -- the rules of
5 occupancy of the right-of-way and -- so if a
6 construction site, for example, would have blocked a
7 street without a permit to do so, we would have -- we
8 would have our street use inspectors take enforcement
9 action.

10 And that's a progressive step, from first
11 initially communicating with people and allowing them to
12 rectify the situation, to then eventually issuing
13 notices of violation to the entities that have -- that
14 have blocked a -- you know, occupied a street in some
15 way.

16 **Q. Okay. And so I suppose what you -- so the**
17 **allowing means that you did not take that enforcement**
18 **activity that you normally would in this area in June of**
19 **2020?**

20 A. That's right.

21 (Exhibit No. 3 marked.)

22 BY MR. WEAVER:

23 **Q. I'm going to mark something as Exhibit 3, to go**
24 **back to the sidewalk issue.**

25 A. Okay.

5 (Pages 17 to 20)

Page 25

1 BY MR. WEAVER:

2 **Q. Why were you asking them not to be there on a**
3 **regular basis during that time?**

4 A. Because their activities could be -- their
5 activities could be interrupted by some of the protest
6 activities. And so, you know, just as a way to not have
7 them have their daily work interrupted by -- by being in
8 the midst of a -- of a protest, we sort of re- --
9 reallocated what they were asked to do.

10 **Q. Okay. In addition to the barriers that we**
11 **already talked about and things that were obstructing**
12 **the area at that time, do you recall there being -- do**
13 **you recall there being barriers such as cars that were**
14 **added to the area?**

15 MR. CRAMER: Objection. Form.

16 BY MR. WEAVER:

17 **Q. Do you recall there being cars parked in the**
18 **street, that were blocking the streets?**

19 A. Not by the City. There were --

20 **Q. No, I'm -- I'm not talking about from -- by the**
21 **City.**

22 A. Okay. Yeah, there were times when there were
23 cars put in -- in the way of street traffic by the -- by
24 the folks protesting.

25 **Q. By the way, who -- who were the -- do you know**

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1 **as well?**

2 A. Yes.

3 **Q. Okay. Do you recall there being people around**
4 **these various barriers in the streets and sidewalks as**
5 **well?**

6 MR. CRAMER: Objection. Form.

7 A. I do. There were people that -- yes, I do.

8 BY MR. WEAVER:

9 **Q. Do you recall that there were people who**
10 **appeared to be appointed as guards of the various**
11 **barriers in the area?**

12 A. I think there were -- yes. I would say there
13 were people who were assigned as sort of -- to -- to
14 watch what had been established by a protest group as
15 sort of a -- an area around the East Precinct. "Guards"
16 is maybe a little bit of an overstatement, from what I
17 saw.

18 **Q. Okay. Were some of them armed, that you saw?**

19 A. I don't recall if they were armed. You know,
20 I -- there were a few times when I did see firearms in
21 the -- in the area that we're talking about, but not --
22 not brandished in any way. So -- but there were --
23 there were times when people were open carrying.

24 **Q. Okay. What sort of weapons did you see open**
25 **carried in the June 2020 --**

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1 **who the street inspectors were that were assigned to the**
2 **Cal Anderson and East Precinct area in the month of June**
3 **2020?**

4 A. I don't. But -- I -- I don't recall. It's a
5 regular assignment. It wasn't anything unusual. And
6 they're -- just to make sure I clarify, our inspectors
7 are not assigned to parks facilities. So our inspectors
8 are responsible for the SDOT right-of-way, the
9 transportation right-of-way, not for any park
10 activities.

11 **Q. Sure. So when I -- when I talk about the area**
12 **around the East Precinct and the -- and Cal Anderson**
13 **Park, I'm not -- you know, I'll -- I understand -- thank**
14 **you for the clarification -- that doesn't -- your**
15 **jurisdiction doesn't include the park, but there's**
16 **obviously streets around the park as well. So that --**

17 A. Sure.

18 **Q. -- that's included when I'm saying that,**
19 **just -- just to be clear.**

20 **So do you -- do you recall also seeing, during**
21 **the month of June 2020, what I guess I will say are**
22 **market booths that had been set up, private market**
23 **booths on the streets and sidewalks in that area?**

24 A. Yes, I do.

25 **Q. So those were in the streets and the sidewalks**

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1 A. I --

2 MR. CRAMER: Objection. Form. Outside the
3 scope.

4 Go ahead.

5 A. I -- you know, I saw a sidearm or -- or two.

6 BY MR. WEAVER:

7 **Q. Any assault rifles?**

8 MR. CRAMER: Same objection.

9 A. I did not.

10 BY MR. WEAVER:

11 **Q. Okay. I'd like to talk about the barriers that**
12 **the City pro- -- by the way, were there any other**
13 **obstructions that I haven't talked about, that you know**
14 **of, that were allowed by the City in the area in the --**
15 **in -- in order -- in Exhibit 2 during the time period of**
16 **June 8th to July 1, 2020?**

17 MR. CRAMER: Objection. Form.

18 A. I do not recall any -- any other items present
19 as barriers. I would say, of the ones that we've talked
20 about there, I guess I would not say that we allowed all
21 of the ones that we've talked about.

22 So if we want to go back and clarify which ones
23 were allowed versus which ones were present, we can --
24 we can do that, if you'd like.

25 ///

7 (Pages 25 to 28)

Page 29

1 BY MR. WEAVER:

2 **Q. Okay. Which ones was -- which ones did the**
3 **City allow?**

4 A. So there -- there were -- this is not on
5 June 9th. This is -- or June 11th. This was after we
6 regularized a traffic pattern for -- for the area in
7 order to -- to -- to provide a regular, standard traffic
8 pattern.

9 There were City-provided barriers, the ecology
10 blocks, some of the other traffic control devices that
11 were present, that we allowed. Other things that were
12 not -- not -- not those regular devices, using things
13 like cars to temporarily block a street or something
14 like that, were not at any point allowed by the City.

15 **Q. Okay. Did the City remove things such as the**
16 **cars that were parked in the area?**

17 A. We did not prohibit any parking in the area.

18 **Q. Okay. Including in the middle of a street; is**
19 **that correct?**

20 A. We did not remove vehicles from the middle of
21 the street.

22 **Q. Okay. What obstructions of the streets and**
23 **sidewalks did the City remove?**

24 A. So we did remove the -- there -- some of those
25 initial items that had been rearranged by protesters,

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1 work on behalf of the City to de-escalate the conflict
2 that was present in order to return to regular
3 operations of all of the streets.

4 The -- so in balancing those things, I was
5 continually looking for opportunities to de-escalate the
6 conflict that was -- that was present there.

7 So, you know, we would communicate with people
8 present on behalf -- who were representing or on behalf
9 of protesters, but it was -- we weren't seeking their
10 consent. We were still taking our City
11 responsibilities.

12 So we were taking the input or the -- the
13 concerns, the feedback, of people protesting, but also
14 the conversations that I was having with residents and
15 businesses around the area as well.

16 **Q. Okay. But the area wasn't completely cleared**
17 **of barriers, people, and cars in the street by the City**
18 **until July 1, 2020; is that correct?**

19 MR. CRAMER: Objection. Form. Compound.

20 A. The area -- the entire area, but we were
21 working continuously from -- from June 9th until that
22 July 1st time to make sure that we had a regular traffic
23 pattern that enabled access for people, goods, and I
24 would say services is part of that as well, and
25 continually de-escalating the conflict.

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1 like the water filled barriers and some of the other
2 barricades that had been established in various places.
3 We did remove those -- those items.

4 And I would say, when -- if we ever encountered
5 a vehicle that was parked in the middle of the street
6 that was intended to be open for traffic, we did talk
7 with the occupants or -- or talk with protesters about
8 removing that barrier and enabling the free flow of
9 traffic in the places that were intended for -- for
10 vehicular use.

11 **Q. Okay. And prior to July 1, 2020, the barriers**
12 **that SDOT removed were removed after agreement with the**
13 **people in the area; is that correct?**

14 A. I would say, after communication with the --
15 the people in the area. There wasn't always full
16 agreement, but there was communication.

17 **Q. Okay. Why -- why do you say there wasn't**
18 **agreement?**

19 A. Well, you know, I felt like our role in that
20 was -- you know, we -- we -- after June 8th, there was a
21 substantial amount of conflict between people who were
22 protesting and -- and the Seattle Police Department.

23 And after June 8th, I felt like our role, as --
24 my role, as the director of SDOT, was to maintain access
25 for people and goods in the -- in the vicinity, but also

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1 BY MR. WEAVER:

2 **Q. Okay. When did SDOT finally clear out all the**
3 **barriers in the streets in and around Cal Anderson and**
4 **the East Precinct? Was that July 1, 2020?**

5 A. I believe that it was July 1st. And there may
6 have been a few activities that lasted into July 2nd,
7 but I believe it was July -- mostly July 1st.

8 **Q. Okay. Was there action taken before then to**
9 **clear out all the barriers in the streets and sidewalks**
10 **prior to July 1, 2020?**

11 A. There were some -- there were efforts as soon
12 as June 9th to remove barriers from -- from that -- that
13 area. And at those -- at various points, we were met
14 with substantial resistance from -- from protesters. So
15 there was an effort on June 9th to remove some of the --
16 the places where -- where there had been sort of
17 makeshift barricades created by protesters.

18 There was another instance after we had
19 provided our regular traffic control where we did intend
20 to reopen streets to traffic and were met with
21 substantial resistance from people protesting.

22 **Q. I think we'll get into this more later, but**
23 **what do you mean by "substantial resistance"?**

24 A. So we had people lie down in front of
25 construction equipment. We had people trying to climb

8 (Pages 29 to 32)

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1 into construction equipment that our operators were --
 2 were operating. We had people lie on top of some of
 3 those ecology block barriers and -- and sort of block
 4 access to what the construction equipment needed to
 5 attach to.

6 We had some crowds forming around -- around
 7 some of our construction workers seeking to do -- do
 8 their work, and they would -- we would sort of get
 9 followed around some of the -- the site, being yelled at
 10 and things like that. Not -- not physical assault on
 11 our employees.

12 **Q. So you talked earlier about how there was a**
 13 **removal of some barriers and some addition of eco**
 14 **barriers to the area by SDOT.**

15 **Do you recall that?**

16 A. Yes.

17 **Q. Okay. What do you recall about that process?**

18 A. So what I recall is that, the morning of
 19 June 9th, myself, Fire Chief Harold Scoggins, the
 20 general manager of Seattle Public Utilities Mami Hara,
 21 and I, and maybe a few other people sort of all came to
 22 the 12th and Pine intersection to survey the -- the
 23 area, to understand what was going on, what the
 24 conditions were. That's what led to Chief Scoggins'
 25 email, the email that we discussed, Exhibit 3.

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1 Over the course of the next few days, leading
 2 through the weekend, that weekend, we worked to develop
 3 a -- what we felt was a traffic control plan that would
 4 meet all of the City's and the adjacent property owners'
 5 needs for services and property access, but also sort of
 6 regularized a protest area that might stay closed to
 7 normal street operations for the period that the
 8 protests would be active.

9 And at that point we were continually working
 10 to -- to de-escalate the conflict, and so we didn't have
 11 a fixed timeline of how long that would need to be put
 12 in place.

13 So we felt like it was a -- an operation that
 14 would need to potentially operate in this form for sort
 15 of an indeterminate period of time as we worked on
 16 de-escalating the situation.

17 So that plan was developed over the course of
 18 that week, and there were a series of meetings that
 19 included protest leaders and some conversations with
 20 businesses and residents in the area as well. And there
 21 were some informal and formal meetings of those groups.

22 **Q. Okay. There was a lot there, so I'm going to**
 23 **ask you -- I'm going to ask you a few follow-ups. Okay?**

24 A. Yes.

25 **Q. So about the indeterminate period of time, when**

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1 **the City went in and changed the footprint of the**
 2 **protest area, was there any discussion about how long it**
 3 **was anticipated that that might be in place?**

4 A. I don't recall there being a discussion of
 5 that.

6 **Q. Was there any discussion about a deadline by**
 7 **which the barriers that had just been placed would need**
 8 **to be removed?**

9 A. The -- and just to make sure we're on the --
 10 we're talking about the same thing, I'm talking about
 11 the -- when SDOT provided ecology blocks and sort of
 12 regularized the traffic control, we did not have a
 13 deadline by which that would be removed.

14 And so in creating that traffic control plan,
 15 we worked to make sure that all of the driveways and
 16 business access could be maintained without need for any
 17 special kind of operations.

18 It was all sort of within a regular -- what we
 19 would have determined if -- if there were a need for a
 20 long-term closure for construction activities or some
 21 other -- some other activity beyond protests, it would
 22 have been fine for the streets to operate in that way.

23 **Q. So I -- yeah, that's what I was talking about.**
 24 **And my understanding is that those changes were made on**
 25 **June 16th or 17th, or maybe both; is that correct?**

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1 A. Yeah, that's -- that's my recollection as well.

2 **Q. Okay. And so tell me what that specific**
 3 **process of creating that area and -- and those barriers**
 4 **on the 16th and 17th, what that entailed, the physical**
 5 **process.**

6 A. The -- maybe -- okay. Let me make sure I --
 7 the physical process. So we -- you know, what we did --
 8 let me -- let me just talk through a little bit of what
 9 the traffic pattern was, and then we can talk about how
 10 we did it.

11 So when we -- what we regularized still
 12 included some street closures. So Pine Street remained
 13 closed between 10th and 11th Avenues. 11th Avenue did
 14 not connect across Pine any longer. It was sort of a
 15 temporary blockage of the intersection through. And
 16 then Pine, between 11th and 12th Avenues, was turned
 17 into a one-way street westbound, from being a two-way
 18 street prior.

19 Other than that, all -- all streets reopened to
 20 vehicular access. In the process of doing that, we --
 21 we brought to the site and installed the concrete
 22 ecology block barriers.

23 We also installed some new traffic control. We
 24 installed, I believe, a stop sign at 12th and Pine,
 25 which previously would have been controlled by a traffic

9 (Pages 33 to 36)

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1 signal, some one-way signs, some other -- other signage
2 that went into the area that regularized that traffic
3 control plan.

4 **Q. Okay. How many ecology blocks did SDOT move**
5 **into the area on June 16th or 17th?**

6 A. I don't recall the specific number, but it
7 was -- it would have been 50 to 100 ecology blocks.

8 **Q. Okay.**

9 A. I mean, I'm sure we can provide a precise
10 number, but I don't -- I don't recall.

11 **Q. The streets that were one-way in the area**
12 **and -- were they local access only?**

13 A. We did have signs that said local access only,
14 and those were a standard sign that we provide. It's
15 called a Type 3 barrier, that has -- that says "Street
16 closed" and "Local access only."

17 And the purpose of that, for us, is to
18 communicate to people driving that they should only go
19 through if they -- if they need to, but if they have
20 business within that area, that's what local access
21 means, that it's open for local access.

22 **Q. Okay. So where were the local access only**
23 **signs, if you recall?**

24 A. So they were at the perimeter of -- of, you
25 know, where -- where we were -- where we had changed

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1 some of the traffic patterns. So I recall them being
2 at -- on the north side, they would have been at Olive,
3 so at 11th and 12th and Olive.

4 **Q. Uh-huh.**

5 A. There may have been one set that was one block
6 farther north. The -- there were some at Pike, at both
7 11th and 12th. There may have been one at 13th and
8 Pine. And then there may have been one at 10th and Pike
9 as well.

10 **Q. Why -- why was the area declared local access**
11 **only?**

12 MR. CRAMER: Objection. Form as to "area."

13 A. So, you know, we were -- what we -- we were
14 trying to limit the amount and the opportunity for
15 vehicle and pedestrian conflict, even after that
16 June 16th timeline.

17 There were times of day and times of protest
18 activity where there were a lot of pedestrians that were
19 sort of too many people for the sidewalks to contain.
20 And so we -- and we had had an incident, I think before
21 June 8th, where a vehicle had driven into a crowd of
22 protesters.

23 And so we were trying, again, as part of that
24 approach to de-escalating and reducing some of the
25 conflict, to maintain that separation between vehicles

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1 that didn't need to be in the area and those -- those
2 protest activities.

3 And so the local access was just another way
4 to -- to communicate that to people who maybe didn't
5 know what area of the city they were in, that they
6 didn't -- if they didn't need to come through that way,
7 that they -- they didn't -- they -- that they probably
8 shouldn't. While also saying, if you have something to
9 do here, you're freely welcome to come in.

10 BY MR. WEAVER:

11 **Q. Okay. So there was a recognition that, despite**
12 **the footprint of the barrier, there was probably going**
13 **to be spillover as far as pedestrians and protests**
14 **outside those barriers at certain times as well; is that**
15 **correct?**

16 A. That's what we experienced in the days leading
17 up to that -- you know, in that first week, when there
18 were no real traffic control separations, that we -- we
19 did see some of that activity happening. So yes.

20 **Q. Okay. And you were anticipating that was going**
21 **to continue to happen; correct?**

22 A. That there was the possibility of that, yes.

23 **Q. And did it -- did that in fact happen after the**
24 **barriers were shuffled around and added on June 16th and**
25 **17th?**

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1 MR. CRAMER: Objection. Form.

2 A. I mean, you know, I would -- I would come to
3 the site pretty frequently throughout that whole month
4 of June, or for -- starting on June 9th, and there were
5 times when I saw a lot of people there, and there were
6 times when, you know, the -- the areas even that we had
7 set aside for sort of more ongoing protest activities
8 weren't sufficient to contain the number of pedestrians
9 and people protesting.

10 And so I do think that having the streets be
11 local access only limited the ability for
12 vehicle-pedestrian conflicts.

13 BY MR. WEAVER:

14 **Q. Okay. Did SDOT also put into place speed bumps**
15 **in the area in and around the East Precinct and Cal**
16 **Anderson?**

17 A. We did. They -- you know, they were not
18 traditional speed bumps. They were -- they -- we --
19 they're what's called a quick curb that served the
20 purpose of what a speed hump would do, but were
21 something that was -- you know, our typical speed humps
22 are done with asphalt and have a more substantial
23 construction impact and eventual removal impact.

24 We didn't anticipate that those would stay
25 forever, and so we used a sort of temporary approach to

10 (Pages 37 to 40)

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1 those, but we did have a few places where we -- we did
2 install those, particularly around the intersection of
3 12th and Pine.

4 **Q. Okay. Do you recall other areas where you had**
5 **temporary speed humps?**

6 A. I don't.

7 **Q. Okay. Why, in particular, were they around**
8 **12th and Pine?**

9 A. So 12th and Pine has a traffic signal usually.
10 We had put in a stop sign instead. We did see -- and
11 that's where we had the sort of ecology block barriers,
12 and we changed some of the -- the directionality of the
13 streets.

14 We did see some vehicles, as we opened those
15 streets back up to traffic, driving quickly, so we
16 don't -- we didn't need to -- we wanted people to drive
17 slowly and anticipate that there could be more
18 pedestrians that they weren't expecting to be in the --
19 the -- you know, crossing the street. And we had
20 changed the traffic pattern to have that stop sign
21 rather than a -- a traffic signal.

22 MR. WEAVER: Okay. I can't believe it.
23 We've been going about an hour. Want to take a
24 ten-minute break?

25 MR. CRAMER: Yeah. Yeah, let's take ten.

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1 It did fly by.

2 MR. WEAVER: All right.

3 THE VIDEOGRAPHER: Going off the record.
4 The time is approximately 10:00 a.m.

5 (Recess from 10:00 a.m. to 10:10 a.m.)

6 THE VIDEOGRAPHER: We are back on the
7 record. The time is approximately 10:10 a.m.

8 E X A M I N A T I O N (Continuing)

9 BY MR. WEAVER:

10 **Q. So would you agree that -- that SDOT, by moving**
11 **the barriers into -- by moving the ecology blocks into**
12 **the area on June 16th and 17th, was creating a protest**
13 **zone?**

14 MR. CRAMER: Objection. Form.

15 A. We were trying to make sure that there were the
16 continued ability for First Amendment activities and
17 have a -- as I mentioned before, a regular traffic
18 pattern as well.

19 BY MR. WEAVER:

20 **Q. Is it your understanding, though, that you were**
21 **creating a protest zone?**

22 MR. CRAMER: Objection. Form. Asked and
23 answered.

24 A. We were working to -- to continue to allow the
25 protests that were happening in front of the East

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1 Precinct and understand that those may continue for
2 certain -- a certain amount of time and -- and, as I
3 mentioned, have a regular traffic pattern.

4 (Exhibit No. 4 marked.)

5 BY MR. WEAVER:

6 **Q. Okay. So I'm going to drop into the chat**
7 **Exhibit 4.**

8 A. Got it.

9 **Q. So there's an email from you on June 20th --**
10 **June 29th, I'm sorry, 2020, that was forwarded to**
11 **Lorelei Williams.**

12 **Do you see that?**

13 A. Yes.

14 **Q. Okay. Who's Lorelei Williams?**

15 A. Lorelei Williams was a deputy director at SDOT.
16 She was the deputy director for capital project
17 delivery.

18 **Q. Okay.**

19 A. And she left City employment in, I believe,
20 January of this year, of 2021.

21 **Q. Okay. And were you drafting -- had you drafted**
22 **in your email on June 29th talking points regarding**
23 **Capitol Hill?**

24 A. Yeah. She had -- she was representing SDOT at
25 a -- I don't remember what forum, but she had asked me

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1 what -- she had not been involved in the -- outside of
2 her area of -- of responsibilities within SDOT, but she
3 was representing SDOT with external stakeholders, and
4 asked me what -- if it came up, what she should say.

5 **Q. Okay. And so you drafted these talking points**
6 **for her; is that right?**

7 A. I did.

8 **Q. Okay. So in the fourth bullet point of your**
9 **talking points, you say, "SDOT worked to install**
10 **barriers to create a protest zone."**

11 **And then in the sixth bullet point, you say,**
12 **"Definitely new activities for our crews in terms of**
13 **creating this zone."**

14 **What did you mean by "creating this zone" and**
15 **"create a protest zone"?**

16 MR. CRAMER: Objection. Form.

17 A. So I guess, going back to my previous answer on
18 this, we worked to create some additional pedestrian
19 space or -- that was used for protest activities.
20 Again, centered on the East Precinct, but also including
21 some of the areas adjacent to Cal Anderson Park, that
22 were -- that, you know, sort of expanded the -- the
23 pedestrian space, while also creating that separation
24 between vehicular traffic.

25 **In terms of the sixth bullet and new activities**

11 (Pages 41 to 44)

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1 for our crews, the -- I don't think that we've done
2 anything similar to this before or since. Typically,
3 when we've used things like water filled barriers to
4 create some of these separations or we've done temporary
5 street closures or things like that, we've had an
6 expectation that those materials that we use and provide
7 and install will stay in the pattern that -- that we've
8 installed them.

9 What we saw prior to June 16th and 17th was
10 that materials that we had -- had deployed for those --
11 you know, for the -- the crowd control and things like
12 that had moved -- had been moved, and additional
13 materials added.

14 So we didn't want to -- we wanted to -- we --
15 we needed to find some new vocabulary of -- of
16 separation that would be -- would -- would accomplish
17 our -- our goal of de-escalation and creating some of
18 that additional area for protests -- protests to happen
19 without being redeployed and moved in ways that we
20 hadn't intended.

21 BY MR. WEAVER:

22 **Q. Okay. And that -- the moving in area -- in**
23 **ways that you had not intended, as far as the barriers**
24 **that were there, that continued after June 16th and**
25 **17th, as well; correct?**

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1 A. It did at various points, and -- yeah, there --
2 there were some various times when -- when -- when --
3 when that would happen. You know, I think that the --
4 that is -- you know, that -- that's, like -- that was
5 one of the -- the challenges that we faced in terms of
6 how -- you know, creating that regularized traffic
7 pattern, while -- while we -- you know, so it was really
8 intermittent.

9 I think that this -- this email also sort of
10 highlights some of that, that there were some
11 intermittent challenges that -- that could be resolved
12 with -- with conversation and -- and discussion about --
13 but not -- but that -- that created ongoing operational
14 challenges for us as a department.

15 **Q. So there were ongoing operational challenges**
16 **because at some -- at some points various barriers would**
17 **show up in areas that they had not previously been**
18 **placed; is that right?**

19 A. Yeah, you know, there would be sort of minor
20 moving of barriers. The -- the ecology blocks didn't
21 really -- didn't move until sort of the -- the very,
22 very end of the time when the -- they were -- they were
23 deployed out there. They're very challenging to move.
24 But there were other -- other materials that would get
25 sort of moved around on a -- on a regular basis.

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1 **Q. What were -- what were some of those materials**
2 **that would get moved around?**

3 A. So as part of the installation on June 16th and
4 17th, we also installed some plywood boxes or covers
5 around the ecology blocks, and those were intended to
6 serve a few purposes.

7 The first was that they were -- they were
8 opportunities for art to happen, and sort of canvass, if
9 you will, for some of the -- the protest art. And that
10 was something that, as we talked to the protest leaders
11 that we -- we were communicating with in the lead-up to
12 that, they felt like the art was a positive aspect of
13 the -- what was -- what was happening in that protest
14 area and was an opportunity.

15 We also -- you know, there had been a lot of
16 graffiti and lots of -- on lots of private buildings,
17 and so this was also part of our attempt to attract some
18 of that activity to -- off of private property and
19 buildings into -- into this. So those plywood boxes
20 were serving some of that function.

21 The second function is that the -- the easiest
22 way to move an ecology block is, there's a sort of metal
23 ring that's on the top, is set into the concrete, that
24 you attach a chain from a construction -- a piece of
25 construction equipment, and that -- you're able to lift

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1 it up.

2 So the -- some of the plywood box was intended
3 to limit access to those -- those rings, which are the
4 easiest way to move a -- move an ecology block and make
5 it sort of so that other people couldn't come and access
6 that in a very easy way.

7 And then I think there were -- there were some
8 members of the protest group who were concerned that
9 outside -- outside actors wished them harm, wished --
10 you know, they were -- there was a lot of -- among some
11 of them, there was a lot of concern that people were
12 going to come and try to do harm to the people
13 protesting.

14 And so there was a -- the ecology block
15 barriers are very low. They're about two feet tall.
16 And so the plywood barriers helped to prevent a little
17 bit of, like, being able to see into the -- into the
18 area where people were -- were protesting and -- and,
19 you know, sometimes sleeping overnight and things like
20 that.

21 So that was the -- the purpose of those. Those
22 plywood barrier -- plywood components, eventually the
23 protesters sort of figured out how they could remove
24 those from some of the barrier -- the ecology blocks,
25 and -- and those sort of boxes would get moved around at

12 (Pages 45 to 48)

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1 various points.

2 **Q. So those boxes would be used as barriers. Is**
 3 **that what you're saying?**

4 A. Yeah. They were then -- you know, it was a --
 5 a couple sheets of plywood that were about two feet --
 6 you know, two feet by three feet by another two or --
 7 two feet tall or so. And so those are pretty easily
 8 movable to move into a place and then to also move out
 9 of a -- you know, move away from -- from any kind of
 10 obstruction.

11 **Q. Okay. So I just want -- just want to be clear**
 12 **for the visual aspect of it. Okay? So when the ecology**
 13 **blocks were moved in on June 16th and 17th, they also**
 14 **had plywood sheaths over the top of them; right?**

15 A. That's right.

16 **Q. And that was a constructed box that had four**
 17 **sides around it, and then a -- another piece of plywood**
 18 **on top?**

19 A. Most of them had a top on them. Some of them
 20 did not.

21 **Q. Okay. And was that the protesters' suggestion,**
 22 **or was it the -- was it SDOT's recommendation, that**
 23 **those be placed there?**

24 A. I think we came to that through some
 25 conversations. I think it was -- it was -- as I

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1 mentioned, it was some of -- some of the items were our
 2 concern about, you know, being able -- limiting the
 3 ability to move those blocks.

4 Some of it was being responsive to some of the
 5 requests that we were hearing from -- from protesters
 6 about ways to continue some of the positive sort of
 7 creative energy that was around some of the protest
 8 activities. And -- and also we saw it as a way to also
 9 limit some of the impacts to private properties around
 10 in terms of graffiti.

11 So it was a -- it was -- it was a -- and then
 12 it was also the creativity of my construction staff to
 13 figure out how to -- how to do some of this work. So it
 14 was a -- it was an iterative process that came -- we --
 15 you know, again, that sort of non- -- nonstandard
 16 response that we figured out how to do.

17 **Q. Okay. And so part of the reason that they**
 18 **were -- they were constructed for -- for art was, there**
 19 **was a lot of graffiti that had already occurred on**
 20 **public and private properties in the area; is that**
 21 **right?**

22 A. Yes.

23 **Q. Yeah. And did SDOT provide storage services**
 24 **for the art that had been painted on that plywood once**
 25 **CHOP was -- wound down and was cleared out?**

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1 A. We did.

2 **Q. Okay. Can you describe what that process was**
 3 **of preserving that -- that plywood art?**

4 A. Yeah. I mean, we basically had a roll-off
 5 container, like a -- a -- a construction container or a
 6 dumpster, but it was enclosed on all four sides. When
 7 we eventually removed the -- the protest zone and -- and
 8 all of -- all of the -- that -- that -- those things, we
 9 preserved and hauled as much of the -- those plywood
 10 pieces to an SDOT facility.

11 And then eventually, I don't know, a few weeks
 12 later, the people that had been involved with art there
 13 came to that facility, went through it, and decided what
 14 they wanted to retain.

15 **Q. Okay. So where was -- where was that SDOT**
 16 **facility?**

17 A. I believe it was at our Sunny Jim facility,
 18 which is along Airport Way, and it houses our signal
 19 shop and sign shop, and it also is a place where we have
 20 previously -- and we've continued to store private
 21 property that is accumulated as -- as -- like in the --
 22 in response to homeless encampments and things like that
 23 as well. So it's a place that has some extra space
 24 where we've done this type of storage before.

25 **Q. Okay. Why -- why was it -- why did SDOT**

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1 **undertake the process of storing -- transporting and**
 2 **storing the art for the protesters?**

3 MR. CRAMER: Objection. Form. Outside the
 4 scope.

5 A. You know, we -- part of our -- you know, we --
 6 we felt like part of what was -- was -- you know, as --
 7 again, in our efforts towards de-escalation, that the --
 8 there were certain aspects of what was created during
 9 the protests that maintaining and preserving and -- and
 10 not destroying would -- would continue that
 11 de-escalation even after the summer of 2020.

12 You know, one aspect of that is the Black Lives
 13 Matter mural that was painted in -- in the middle of
 14 Pine Street. Another aspect was the -- the other art.
 15 I -- I believe that it's been now exhibited post -- post
 16 this time period.

17 And so it was sort of a -- an ongoing
 18 reflection of, you know, continued -- that continued
 19 sort of de-escalation of the -- of the conflict that was
 20 occurring, leading up to June 8th, but also sort of
 21 throughout the month of June.

22 BY MR. WEAVER:

23 **Q. Was it important to the City or SDOT to make**
 24 **clear that the City was not opposed to the viewpoints**
 25 **expressed in the art and the protests?**

13 (Pages 49 to 52)

Hunters Capital, LLC v. City of Seattle

30(b)(6) and Individual Deposition of Samuel Zimbabwe

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1 the Department of Finance and Administrative Services in
2 adding plywood to the -- to the first floor of the East
3 Precinct.

4 There were sort of various other sort of
5 coordination with Seattle Police Department in response
6 to the -- the protests and the clashes between police
7 and protesters that were happening.

8 **Q. So why was the plywood being put up on the --**
9 **on the precinct?**

10 A. I don't know if I can speak to that directly.
11 I think it was a request that came to SDOT from the
12 Seattle Police Department.

13 **Q. Okay.**

14 A. But to support that and -- you know, the
15 building -- SDOT isn't responsible for the building, but
16 we were working, you know, in response to some of the
17 earlier protests and vandalism across the city,
18 downtown, in Chinatown, in the International District.

19 We had been working alongside Parks -- Parks
20 staff I think primarily, but addressing some of those
21 issues of vandalism and supporting -- supporting small
22 businesses in adding plywood to prevent further
23 vandalism.

24 **Q. You said you went there -- went to the area**
25 **around the East Precinct on the morning of June 9, 2020;**

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1 **is that right?**

2 A. That's right.

3 **Q. What had changed that made it so that you went**
4 **to the area that you had not been to previously?**

5 A. You know, I think I was -- I was monitoring the
6 protest activities and the -- and sort of what was going
7 on, but the -- you know, what I -- what I read and --
8 and heard in sort of the news reports and some of the
9 responses was that the protests had -- protesters had
10 taken over streets, and I felt like it was my -- part of
11 my responsibilities, as the director of SDOT, to have a
12 firsthand account of that and understand what the
13 situation was on the ground.

14 **Q. So did anybody from the mayor's office or**
15 **anybody else in the City ask you to go down there?**

16 A. I don't believe so.

17 **Q. So what did -- what did you do -- what did --**
18 **for -- what did you do when you went to the area on --**
19 **on the morning of June 9th?**

20 A. So I went there and walked into the -- the area
21 that had sort of been occupied by protesters overnight,
22 June 8th to June 9th, and tried to get a sense for what
23 was -- what was going on.

24 I believe that Fire Chief Harold Scoggins and
25 SPU general manager Mami Hara and I all sort of got

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1 there around the same time, and we connected with each
2 other.

3 You know, we are the three -- three agencies
4 that are the largest set of public responsibilities in
5 terms of services and access and emergency response.
6 And so I think the three of us all felt like it was
7 something -- something important for us to understand.

8 This was a -- you know, not something that any
9 of the three of us had had to -- well, I can't speak for
10 them, but not something that I had had to experience
11 in -- in my previous experience with the City or even
12 in -- in some of my previous employment. I've dealt
13 with a lot of First Amendment activities and -- and
14 protests and various things, but not something of this
15 nature.

16 **Q. Okay. What did you see that was different than**
17 **what you had dealt with previously in your career?**

18 A. So the use of -- you know, the use of
19 improvised barricades to block off streets was -- was
20 something that was very new. You know, my experience
21 with protest activities in particular has been that
22 there's a -- you know, a designated route or
23 communication about where those -- where those
24 activities are going to be, and then sort of a temporary
25 accommodation of those, sometimes with traffic control

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1 devices and sometimes not, that provides some regularity
2 and predictability.

3 And this was improvised and -- and sort of
4 not -- wouldn't have met our -- what our -- what our
5 standard response was to a -- to a protest. And the --
6 again, I'm specifically talking about like the morning
7 of June 9th.

8 **Q. What would your standard response to a protest**
9 **would have been?**

10 A. Yeah, so, you know, I think we -- if -- if we
11 are aware of where a protest is going to happen, then
12 we -- you know, we can work with -- and there's a sort
13 of organized leadership of a protest, we could work with
14 that.

15 We do -- we permit street closures very
16 frequently for community gatherings or events or things
17 like that. So we could work with that entity in sort of
18 providing that regular -- more regular approach to
19 traffic control.

20 **Q. So there was no permitting process for the**
21 **blockage of the streets on June 9th through July 1,**
22 **2020; is that right?**

23 A. That's correct.

24 **Q. Okay. Was there ever any discussion of**
25 **requiring the people in that area to have a permit to**

15 (Pages 57 to 60)

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1 **protest and occupy the area?**

2 MR. CRAMER: Objection. Foundation.

3 A. I don't -- I -- I did not participate in any
4 conversation like that.

5 BY MR. WEAVER:

6 **Q. Okay. Were you involved in any permitting
7 process in that time period for this area?**

8 A. (No verbal response.)

9 **Q. Just so you -- just so you know, you have to --
10 you have to actually speak it so the court reporter can
11 get it.**

12 A. No, I was not.

13 **Q. Okay. I'm going to pull up an exhibit. Just
14 give me a minute.**

15 **While I'm doing that, did you talk to anybody
16 on the -- on the morning of the 9th who was a -- who you
17 considered to be a protester?**

18 A. I believe I did, yep. Yes.

19 **Q. Okay. What did you talk to them about?**

20 A. You know, I -- my purpose in those
21 conversations from June 9th, anytime I was there
22 throughout the month of June, was making sure that we
23 had streets open and that people, goods, and services
24 could access that area.

25 And then communicating my desire for continued

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1 lot of folks.

2 (Exhibit No. 5 marked.)

3 BY MR. WEAVER:

4 **Q. Okay. Let's go to Exhibit 5, which I put in
5 the chat. Then if you could scroll down to the bottom,
6 there is an email from you on June 9th.**

7 A. Yep. Got it.

8 **Q. And you indicate here that you were working
9 with protesters on establishing a road closure zone and
10 setting -- and setting traffic control.**

11 **Do you see that?**

12 A. Yes.

13 **Q. What did you mean by that, that you were
14 working on establishing a road closure zone with the
15 protesters?**

16 A. So on the morning of June 9th, there were
17 improvised barricades that were using that traffic
18 control -- those previous water filled barriers,
19 other -- other things, as I mentioned, up to and
20 including, like, bleachers from Cal Anderson Park, that
21 had been moved into places that were -- were blocking
22 streets.

23 And so from that June 9th, sort of immediately
24 June 9th, we were there, working to provide a -- a set
25 of traffic controls that would allow for property

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1 de-escalation of -- of the conflict, and that SDOT and
2 myself weren't -- you know, we weren't on the side of --
3 of the things that had led to conflicts, but that we
4 were there in our role as -- as public service
5 providers.

6 **Q. How often were you there, you personally?**

7 A. I was there pretty frequently over the course
8 of the month of -- you know, from June 9th onwards. You
9 know, there was both -- I felt like it was important for
10 me to have firsthand understanding of -- of the
11 situation on a day-to-day basis.

12 And then I felt like, when our construction
13 crews were doing the various work that they were being
14 asked to do within that area, that it was also important
15 that I, as the director of the department, was present
16 for that.

17 **Q. Okay. So when you were there, did you also
18 talk to people who lived or had business in the area?**

19 A. I did. Yes, I did.

20 **Q. Okay. How often was that?**

21 A. It was -- it was pretty frequent. I think, you
22 know, I handed out a lot of business cards and a lot
23 of -- I talked to -- to a lot of -- a lot of people.
24 People would -- I think people started to get to know
25 who I was, and they would approach me, and I talked to a

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1 access, service access, people and goods to move freely
2 throughout the area, but also set some -- you know,
3 modify traffic patterns in a way that also worked with
4 the protest organizers.

5 **Q. So on June 9th, when you first went and saw it,
6 would you agree that there were -- there was blocked
7 access to a number of roads in the area?**

8 MR. CRAMER: Objection. Form. Vague.

9 A. So there were -- yeah, you know, as I said,
10 when I got there on June 9th, I walked into the area
11 unimpeded. I did see places where streets were either
12 completely or partially blocked with that sort of debris
13 and improvised -- improvised barricades.

14 BY MR. WEAVER:

15 **Q. Okay. So the streets were blocked to vehicular
16 traffic; is that correct?**

17 MR. CRAMER: Objection. Form.

18 A. Yeah, and I would say that it was -- it was --
19 I don't -- you know, I'm not sure I recall exactly the
20 traffic pattern at the time, but there were some streets
21 that were completely blocked, and there were others that
22 were partially open or -- or completely open.

23 BY MR. WEAVER:

24 **Q. Okay. I don't think we talked about it before,
25 but were there dumpsters that were also being used at**

16 (Pages 61 to 64)

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1 **Q. Are you aware that there were -- that the**
 2 **police department and the fire department had certain**
 3 **policies about not going into the area except for**
 4 **certain reasons?**

5 MR. CRAMER: Objection. Form.

6 A. Yeah, I wasn't aware of -- of that. My
 7 conversations with Chief Scoggins centered on -- on
 8 how -- how they would respond to various emergencies,
 9 and where fire trucks and ambulances would have to
 10 access the area.

11 BY MR. WEAVER:

12 **Q. Were there lanes that you felt were opened up**
 13 **so that they could -- so that the fire department could**
 14 **access the area completely at any time during June 2020,**
 15 **from June 8th through July 1st?**

16 MR. CRAMER: Objection. Form.

17 A. Can I -- can I clarify your question?

18 BY MR. WEAVER:

19 **Q. Sure.**

20 A. Are you asking, were there -- did we have an
 21 understanding of how Fire would respond to incidents?

22 **Q. Was it your understanding that Fire would**
 23 **respond to incidents, and they had room to do so, during**
 24 **the entire period of June 9th through July 1, 2020, in**
 25 **the area in and around the East Precinct and Cal**

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1 **Anderson Park?**

2 A. From a physical access perspective, from how we
 3 set our traffic control, how we worked for -- to provide
 4 street access, the physical -- I think the physical
 5 features that would be necessary for a fire truck or an
 6 ambulance to access the area were provided.

7 **Q. After June 17, 2020, you mean?**

8 A. I think even before -- before that. There
 9 were -- you know, there were still -- you know,
 10 12th Avenue had access. As I mentioned, I believe that
 11 traffic services were provided each and every day.
 12 Those same -- you know, trash truck and a fire truck
 13 have similar clearance requirements in terms of getting
 14 into a -- to an area to access.

15 **Q. What do you know about what was required to get**
 16 **trash access into the area on any particular day in**
 17 **June of 2020?**

18 A. That's outside of SDOT's area of
 19 responsibility, trash collection, so that's really a --
 20 a question that SPU would have to speak to.

21 **Q. Okay. And what do you know about what SPU had**
 22 **done with dumpsters during this time period of June 9th**
 23 **to July 1, 2020?**

24 A. You know, I -- I was aware of some -- some
 25 modifications that they'd made, but I couldn't speak to

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1 specifics.

2 **Q. Do you know anything specific about the trash**
 3 **collection in the area in and around Cal Anderson Park**
 4 **from June 9th to July 1, 2020?**

5 A. I -- I don't. You know, my conversations
 6 with -- with Mami Hara were focused on making sure that
 7 we could do that. And -- and as we talked about the
 8 traffic patterns, it was my understanding that they --
 9 that they could use those traffic patterns and respond
 10 and make trash collection.

11 **Q. Okay. But you don't know specifically what**
 12 **happened; is that right?**

13 A. No.

14 **Q. Okay.**

15 MR. CRAMER: We've been going for about an
 16 hour. I don't know if you're at a --

17 MR. WEAVER: Yeah, we have. If you want to
 18 take another ten minutes.

19 MR. CRAMER: Sure.

20 MR. WEAVER: All right.

21 THE VIDEOGRAPHER: Going off the record.
 22 The time is approximately 11:13 a.m.

23 (Recess from 11:13 a.m. to 11:23 a.m.)

24 THE VIDEOGRAPHER: We are back on the
 25 record. The time is approximately 11:23 a.m.

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1 (Exhibit No. 7 marked.)

2 E X A M I N A T I O N (Continuing)

3 BY MR. WEAVER:

4 **Q. All right. I am going to bring another**
 5 **document into the chat in a second here. This will be**
 6 **Exhibit 7.**

7 **Let me know when you have it up.**

8 A. I have it up.

9 **Q. Okay. So first of all, do you recognize this**
 10 **document?**

11 A. Yes. I believe this is an email from Laurel
 12 Nelson, who was acting director of Office of Emergency
 13 Management, including myself and a number of other
 14 cabinet members.

15 **Q. Okay. Around this time, June 9th, June 10th,**
 16 **June 11th, were you involved in regular cabinet meetings**
 17 **with the mayor's office and other department heads?**

18 A. Yes.

19 **Q. Okay. And about how frequently were you having**
 20 **these meetings in that time period?**

21 A. They were -- they would be pretty frequent. I
 22 think they were somewhat regular. Then we would have
 23 some -- sometimes when -- it wasn't -- wasn't daily
 24 always, but there would be some -- some times when it
 25 was multiple times a day, even.

21 (Pages 81 to 84)

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1 **Q. And so that continued throughout June of 2020?**

2 A. Yes.

3 **Q. What was your understanding of the purpose of**
4 **these meetings?**

5 A. The purpose of these meetings was to share
6 information and really report out on -- on what
7 activities were going on among -- among all the
8 departments that were responding, and to make sure that
9 there was understanding with the -- with the mayor's
10 office, as well, about what was -- what was happening.

11 **Q. Okay. So do you recall being in any meetings**
12 **in which Mayor Durkan, herself, participated during**
13 **June 9th to July 1, 2020?**

14 A. Yes, I do.

15 **Q. Okay. About how many times do you think that**
16 **was?**

17 A. You know, I -- I couldn't -- I don't remember
18 that with that specificity. It was certainly not
19 every -- every meeting that we would have. And, you
20 know, these meetings are very similar to the way that we
21 respond to any kind of citywide emergency, a snowstorm
22 or, you know, things of that nature. So it's a very
23 typical operational strategy that we have as a city.
24 And that includes times when the mayor joins those
25 conversations as well.

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1 **Q. Sure. Can you give me an estimate of how many**
2 **times you talked to the mayor about things related to**
3 **the protests and the CHOP area between June 9th and**
4 **July 1, 2020?**

5 A. I would say maybe around a dozen times, if I
6 had to -- if I had to put a number on it.

7 **Q. Okay. Did you ever talk to the mayor directly,**
8 **one-on-one, at any point?**

9 A. I did.

10 **Q. Okay. What -- what did you talk about with the**
11 **mayor when you met?**

12 A. The few times that I talked to her directly
13 were around the specific SDOT-related actions that we
14 were taking. So I believe on the -- the morning of
15 June 16th, I think I spoke directly with her.

16 There were, you know, a couple of times when we
17 were taking some of those direct actions with, you know,
18 installing the ecology blocks or as -- and when we got
19 to the point of removing them, I did speak directly with
20 the mayor.

21 **Q. Okay. Just to let her know what was going on**
22 **and what was the plan?**

23 A. Yes.

24 **Q. Okay. Do you recall what her reactions were,**
25 **for example, about the plan on June 16th?**

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1 A. You know, I think specifically on June 16th, it
2 was -- it was really status updates of when -- when
3 things were going to be happening and when -- when we
4 were -- when we were going to be operating. I don't --
5 I don't recall her reaction to the -- to the plan.

6 **Q. Okay. How about, what were your conversations**
7 **with her later on, after June 16th, about what SDOT was**
8 **doing in the area?**

9 A. You know, I think we were -- we were continuing
10 to -- to keep her abreast of what -- what activities
11 were. I did participate in some of the -- there was,
12 like, conversations about where -- you know, where
13 things were going, what the -- you know, what -- what
14 our activities as a city were. And those tended to be
15 these larger group conversations.

16 **Q. Okay. Do you recall talking to her, yourself,**
17 **about what you'd been hearing from residents and**
18 **businesses in the area?**

19 A. I don't.

20 **Q. Okay. Do you recall communicating that to**
21 **anybody in the mayor's office, what you'd been hearing?**

22 A. I know I probably did. There were probably
23 some -- there were some -- some group discussions along
24 with Chief Scoggins and -- and Mami Hara, where we were
25 relating our -- our series of conversations. I don't

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1 know if I recall specifics of -- of when and how.

2 **Q. So let's go -- let's go to Exhibit 7. And do**
3 **you happen to recall whether there was a phone call of**
4 **the cabinet at 6:00 a.m. on June 10th?**

5 A. Yes, I believe there was.

6 **Q. Okay. And was it your understanding that**
7 **Laurel Nelson was taking notes of those meetings and**
8 **then distributing them at that time?**

9 A. Yes.

10 **Q. Okay. So I'd like you to go to Page 2 of this**
11 **document. I want to ask you about a few things on it.**

12 **So in the middle in a larger font, it says,**
13 **"Overall Objectives: Continuing the existing footprint**
14 **of peaceful demonstration and rights."**

15 **Do you see that?**

16 A. Yes.

17 **Q. Okay. Do you recall a discussion about that**
18 **during this cabinet meeting on June 10th?**

19 A. I -- I do. I mean, this -- these notes sort of
20 reflect that, but yes. The -- there was sort of a --
21 a -- this was the day after that June 9th date of -- of
22 being there.

23 And so at that point, you know, there was a
24 sort of regular -- there was a group of people who were
25 pretty committed to staying in front of the East

22 (Pages 85 to 88)

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1 Precinct and continuing the protest activities right
2 there.

3 **Q. Okay. So whose objective was it to continue**
4 **the existing footprint?**

5 A. I think it was a shared City-wide objective
6 in -- in that conversation of -- in that direction
7 towards de-escalation of making sure the people were --
8 had that continued opportunity for protests, and that
9 we -- that that could be done in a safe way.

10 **Q. Okay. Paragraph 1 are -- are a few items here**
11 **that indicate that it was the lead -- SDOT was the lead.**

12 **Do you see that?**

13 A. Umm --

14 **Q. 1.1 and 1.2, paragraphs there?**

15 A. Right. So we were the lead on the physical
16 modifications to the footprint as the responsible
17 parties for the right-of- -- you know, the street
18 right-of-way. We were -- we were the lead on those
19 physical modifications.

20 **Q. And so was the City's goal at this point to**
21 **remove the non-SDOT barriers and replace them with SDOT**
22 **barriers?**

23 A. Yes.

24 **Q. Okay. And --**

25 A. You know, I just -- sorry --

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1 **Q. Go ahead.**

2 A. -- if I can just clarify that a little bit, is
3 to say that those non-SDOT barriers were the things that
4 were not typically used as traffic control, but -- and
5 things like the bike rack barriers and other sort of
6 irregular barricades, but to restore a traffic pattern
7 that maintained our core responsibilities around
8 providing public access and -- and ensuring services
9 could be delivered.

10 **Q. Okay. What -- 1.2 says, "Pivot this into a**
11 **street closure."**

12 **Do you understand what that -- what that meant?**

13 A. Yeah. So I think this was -- you know, we
14 had -- we had -- rather than having -- there was --
15 there were these sort of, again, irregular barricades
16 that were blocking off certain streets, while others
17 remained open in certain ways.

18 So we wanted to turn those irregular things
19 into something that was a more regular traffic pattern.
20 And that's -- there's a couple of reasons for that.

21 One, it's the -- the reason why -- you know, we could --
22 we -- sort of standard materials or other ways that we
23 could put -- sort of regularize those -- the -- the
24 traffic pattern.

25 And then also we communicate regularly out to

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1 the public and -- through things -- platforms like
2 Google Maps and others about when we have a regular
3 street closure, "This street is closed." And so that
4 can go into their routing software, that we can sort of
5 push out that information.

6 And we wanted to have a -- a regularized street
7 closure so that we could do those sorts of things and
8 make sure there was public information available to --
9 to enable residents and businesses to be able to --
10 to -- to function normally.

11 **Q. So did SDOT report to Google and other mapping**
12 **services that there were closures in the area?**

13 A. We did. I don't know the exact timing of when,
14 but we did -- we did communicate.

15 **Q. Okay.**

16 A. And I would say, again, those -- those -- you
17 know, it was important for us, even -- you know, we
18 discussed previously local access. If you had a -- a --
19 an address within that area that was local access and
20 you were putting it into a routing software, you could
21 still -- it wouldn't tell you, you can't get to that
22 site. It would tell you, here's how you get to that --
23 that location.

24 But it also -- in theory, when we -- when we do
25 that, it's not routing people through that area if we've

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1 made it local access. And we have that sort of ongoing
2 relationship and response- -- you know, working
3 relationship with those software providers.

4 We have a number of streets that, in the midst
5 of the pandemic, we turned into local access only. We
6 called them "Stay healthy streets." We communicate. So
7 those -- those streets are open to people who live on
8 those streets, deliveries and things like that, but
9 they're not -- people aren't routed onto those streets
10 if they're through traffic. So those mapping providers
11 work with us on -- on communicating that information out
12 to users.

13 **Q. So I just want to be clear. So if -- with the**
14 **routing that was done for this particular area in and**
15 **around East Precinct and Cal Anderson that was local**
16 **access only, if somebody put in there that they wanted**
17 **to go to a particular destination, and the normal route**
18 **would be for them to take 12th Avenue through the Pike**
19 **and Pine area, the software would route them somewhere**
20 **else; is that correct?**

21 A. If it was outside. If it was just -- if they
22 were just through traffic coming through on 12th, you
23 know, from Olive to Union, it would send -- it would
24 send them up to -- I think it was probably sending them
25 to 13th. But if it was someplace within that area, it

23 (Pages 89 to 92)

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1 would send them to that area.

2 Q. Okay. I'd like you to go down to the second
3 page, and -- where it says, "Stated Department Desired
4 Goals."

5 And it says a couple things by SDOT, which is
6 the first bullet point.

7 Do you see that?

8 A. Yep.

9 Q. Okay. Were these concerns that you stated at
10 this meeting on behalf of SDOT?

11 A. Yes.

12 Q. Okay. So you were a little concerned about
13 sending the teams back in without having a game plan.

14 Do you see that?

15 A. Yes.

16 Q. Okay. What do you recall about that at this
17 point?

18 A. So on the -- this goes back to some of what we
19 had experienced on June 9th, in going to take out some
20 of the barricades, and then being met with some -- some
21 resistance from folks involved with the protests.

22 So I think we wanted -- and again, some of what
23 we were starting to hear from some of our -- our
24 represented employees through their labor representation
25 around concerns related to -- to not having SPD present

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1 in those activities.

2 We felt like having SPD present as -- as sort
3 of, quote/unquote, security in that -- that environment
4 would have potent- -- had the potential to re-escalate
5 the con- -- the larger conflict, but so we were -- we
6 didn't have exactly that game plan in place for how to
7 do some of those -- that work, removing barricades,
8 without -- and sort of getting to the operational plan
9 at that point.

10 This was -- again, this was 6:00 a.m. on
11 June 10th, so we were still in the process of
12 formulating what that -- what that operational plan
13 would look like.

14 Q. So at this point, on June 10th, were you
15 concerned that it was unsafe for your people to remove
16 barriers in the area without an SPD escort?

17 A. No. You know, I was -- I was present on
18 June 9th and June 10th. I was -- I -- I personally was
19 not concerned, but I did hear and respect that concern
20 that we were hearing from our -- our -- the -- the folks
21 actually doing that physical labor.

22 Q. Okay. You weren't personally removing the
23 barriers, yourself; right?

24 A. I was not personally doing that myself.

25 Q. What was your communication like with anybody

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1 from the police department at this point, the June 9th,
2 10th, and 11th time frame?

3 A. I think it was fairly minimal. I don't recall
4 specifics of that -- of communication with members of
5 the Seattle Police Department. There were -- you
6 know -- and I don't remember -- some of the timeline
7 gets a little bit fuzzy for me, but there was -- you
8 know, this -- as this notes, that there was a goal from
9 them to go back into the -- into the area.

10 I think that they actually did go back into the
11 building at some point around this timeline. But I
12 wasn't -- I wasn't -- I don't recall too much direct
13 communication with members of Seattle Police Department.

14 Q. So how about later on, during the June 9th to
15 July 1, 2020, time frame? Do you recall being in
16 communication with the police department about what to
17 do?

18 A. I do. Yeah, I do. You know, as we got farther
19 along -- and this was really -- as we got towards
20 removing barriers, at the -- at the end of June, we --
21 I -- I did feel like it was necessary at that point that
22 we had coordination of support from Seattle Police
23 Department.

24 Q. So did you have -- did you have direct contact
25 with Carmen Best during the period of June 9th through

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1 July 1, 2020, about this or anything else?

2 A. I did. There was a -- I think there was a day
3 in which she and I were both present on-site, and I
4 think we had a conversation. She came and she talked to
5 some members of the media, and I was nearby. And -- and
6 after that, she and I had a conversation about what --
7 what we were seeing. And I don't recall too much the --
8 the details of that.

9 When we got towards the removal plans, I don't
10 recall really having a -- a detailed conversation with
11 her.

12 Q. Of the conversation you had with her, what --
13 what time period do you think that that occurred?
14 What -- do you -- do you have a rough estimate of the
15 day?

16 A. You know, I don't, and I would hesitate to
17 speculate. I remember that we were -- we were both
18 present at the intersection of 12th and Pine. She
19 talked to members of the media. So that date's probably
20 reported. When -- when that date was, she and I had
21 sort of a sidebar conversation out there that date that
22 she was on-site, and I was there as well.

23 Q. What, generally, do you recall discussing with
24 her during that sidebar?

25 A. I think we were talking about sort of ways that

24 (Pages 93 to 96)

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1 **Q. There were some barriers around there too, as**
2 **well, right, in the road?**

3 A. I think there were some barriers at that point
4 on the -- on the road. But the -- but the trash trucks
5 were moving through, so I -- and the trash trucks had to
6 get to that same alley.

7 **Q. Okay. So you don't know whether or not -- with**
8 **regard to trash trucks, whether there had to be**
9 **negotiated entries at various barriers, do you?**

10 A. I don't.

11 **Q. Okay.**

12 A. I don't. I wasn't part of that.

13 **Q. Okay. I think we established before, you don't**
14 **know how the trucks got in and out of the area; correct?**

15 A. That's correct.

16 **Q. Okay. So you would agree that there were a lot**
17 **of people in the streets on the 9th, the 10th, and the**
18 **11th, in and -- inside and outside the barriers that had**
19 **been put up; is that correct?**

20 MR. CRAMER: Objection. Form.

21 A. Yeah, the -- and again, I'd say at this point
22 that, when we talk about barriers, it was -- the
23 protesters had moved various things into creating
24 barricades. This was before the City, SDOT, created a
25 regular traffic pattern between protesters and -- and

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1 vehicles.

2 BY MR. WEAVER:

3 **Q. Okay.**

4 A. Yeah.

5 **Q. So you say regular traffic pattern. So even --**
6 **you're talking about after June 16th and June 17th;**
7 **right?**

8 A. Yes.

9 **Q. Okay. So the -- the area we had talked about**
10 **earlier was local access only; correct?**

11 A. Yes.

12 **Q. There were signs up saying "Local access only"?**

13 A. Yes.

14 **Q. And there were -- there were still lanes of**
15 **traffic blocked off; is that correct?**

16 A. There were -- on -- in certain places, yes,
17 there were.

18 **Q. Okay. And the protesters were periodically**
19 **moving barriers, especially at night, to areas where**
20 **they had not previously been put; is that correct?**

21 A. That was -- yes. That was my experience.

22 **Q. And -- lost my train of thought. Sorry.**

23 **But you -- you considered that to be regular**
24 **access to the area?**

25 A. You know, I think my goal in -- in -- over the

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1 course -- between the 9th and when -- until we got to
2 the 16th, was to try to find a way for there to be
3 regular access. Was there unimpeded, 24/7, complete,
4 you know, normal access? I -- I don't -- I think it
5 was -- it was a more fluid situation on the ground than
6 that.

7 I think that there were -- my goal, in talking
8 with protesters, in trying to move barricades, in trying
9 to set up what we eventually did install on the 16th,
10 was to preserve those important property access, goods
11 movement, service -- services, and have a -- a sort of
12 predictable, regular pattern that people could know what
13 to expect when they -- when they came to that area.

14 Because it was -- you know, it was -- before
15 that point, on the 16th, it was -- it was sort of
16 constantly changing, and it was hard to know, as a
17 resident, as a business, exactly what to expect.

18 That said, I don't know that -- I don't -- I
19 don't know personally that people didn't have access.
20 I -- it just wasn't -- it wasn't what I would consider
21 to be regular and sort of typical of how we would -- we
22 would set that up if it was a -- a -- an ongoing
23 activity.

24 **Q. Okay. And even with the barriers that had been**
25 **put in place, protesters were still periodically in the**

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1 **streets outside the area that had been designated by**
2 **the -- by the eco barriers; is that right?**

3 MR. CRAMER: Objection. Vague.

4 A. There were -- there were a lot of people there
5 at various points especially. And so -- I mean, the --
6 there were people that would be walking or -- but, you
7 know, people are also sort of allowed to cross the
8 street in various places. Once the signals weren't
9 operating, people can cross in the midpoint of the
10 block. It's not -- it's not jaywalking at that point.

11 So yeah, there were people -- there were a lot
12 of people there at various points, and there were people
13 sort of in -- in various places. I'd say once we had
14 a -- a more regular traffic pattern, it was -- it was --
15 it was more predictable for how it -- how it was all
16 operating. But it was a -- you know, it was a pretty --
17 it was a pretty fluid situation for, I'd say, the whole
18 month of June, or in that area.

19 BY MR. WEAVER:

20 **Q. Okay. Just as an example, you mentioned a**
21 **press conference that you were at with Carmen Best.**

22 **Do you recall talking about that?**

23 A. I was -- I was nearby. I wasn't --

24 **Q. Okay.**

25 A. -- with her. She -- she talked to the -- she

30 (Pages 117 to 120)

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1 talked to some members of the media. I was nearby --

2 Q. Okay.

3 A. -- not part of the -- not part of the --

4 Q. You were present for her press conference;
5 right?

6 A. Yes.

7 Q. Okay.

8 A. Yeah, that's correct.

9 Q. And you said that was at 12th and Pine.

10 Do you remember that?

11 A. Yes.

12 Q. Okay. Do you recall that it was outside the
13 barriers, but in the middle of the street?

14 A. Yeah, I -- I believe so.

15 MR. WEAVER: We've been going about another
16 hour, so let's go -- let's go ahead and go off the
17 record.

18 THE VIDEOGRAPHER: Going off the record.
19 The time is approximately 12:19 p.m.

20 (Recess from 12:19 p.m. to 1:05 p.m.)

21 THE VIDEOGRAPHER: We are back on the
22 record. The time is approximately 1:05 p.m.

23 E X A M I N A T I O N (Continuing)

24 BY MR. WEAVER:

25 Q. So I want to ask you, with regard to anything

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1 June 8, 2020, to July 1, 2020, did the mayor ever tell
2 you that she thought STOD [sic] should do something
3 differently than they had been doing?

4 A. I think there were -- you know -- I'm trying to
5 remember. The -- I think there were -- you know, some
6 of those operational times, I think she wanted us to
7 maybe start a little bit earlier than we did on -- on
8 one -- one or two of those days.

9 I -- I think that we had some -- some
10 discussions about the traffic pattern, but I think it
11 was largely the -- the recommendation and the advice
12 from -- and the plan developed by SDOT in consultation
13 with other departments.

14 We were -- you know, it was a -- it was a
15 consultation process, not a -- you know, I don't think
16 there was a -- a vast disagreement between us and the
17 mayor.

18 Q. So what -- what was your impression about the
19 things that she wanted to start earlier?

20 A. Oh, some of our work -- you know, it was
21 hard -- there was a -- there was -- when we were going
22 to do some of that work with installing ecology blocks,
23 it took some pre-staging of -- of sort of things within
24 our -- our yard, when people had to come there, get
25 those things, come up to -- to Capitol Hill and -- and

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1 that SDOT did in the area in and around Cal Anderson and
2 the East Precinct between June 9th and June 30 -- and
3 July 1, 2020, do you believe that SDOT took any steps or
4 actions in that area that were not approved of by the
5 mayor?

6 MR. CRAMER: Objection. Form.

7 A. Yeah, without being overly broad, because I
8 feel like we do lots of things that are not directly,
9 you know -- the mayor doesn't sign off on every
10 individual action that we take, I think the -- the
11 larger -- larger-scale things were done in consultation
12 with -- with the mayor, and were done in consultation
13 with the professional expertise and judgment of -- of
14 myself and -- and SDOT staff as well.

15 BY MR. WEAVER:

16 Q. Okay. So what were the larger-scale things
17 that you're talking about that you're confident were
18 done with the approval of the mayor?

19 A. So I think our -- our -- our traffic pattern,
20 our -- our -- the -- the -- so June 16th, June 17th, our
21 regularization of the traffic patterns and the eventual
22 removal of the ecology block barriers were all done
23 in -- in consultation through that -- through that
24 process.

25 Q. Okay. So at any point during the period of

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1 then do that work.

2 And there's only so much you can accomplish in
3 the day, and I think there was a desire at some points
4 to start earlier and accomplish more within one day.

5 Q. Okay. How about the clearing out of the area?
6 Did she want that to happen sooner than it did too?

7 A. Again, I think that was a -- it was -- there
8 were some -- and this is -- this is not exclusive to
9 what happened in this area in June of last year, but
10 there are times when -- when the mayor has desires for
11 certain operational outcomes, and it's a healthy
12 dialogue between us and the mayor about what's possible
13 from an operational perspective and -- and where she
14 wants -- wants to see us doing things.

15 So she -- I mean, there may have been oppor- --
16 times when she wanted things to happen faster or -- but
17 that's not dissimilar to other -- other things that I
18 interact with her on.

19 Q. Do you recall anytime, during that period of
20 June 9th to June 20, 2020, the mayor expressing
21 displeasure with anything that SDOT had done in the
22 area?

23 A. Not to me.

24 Q. Okay. I think earlier you were talking about
25 the balancing of -- the City was trying to balance First

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1 permanent count capabilities.

2 **Q. Do you know whether Google or Waze or any of**
 3 **those sorts of providers that you work with might have**
 4 **that data that they share with the City?**

5 A. Not that -- I know that they don't really have
 6 that information. They have -- what they do is, they
 7 approximate a total based on, you know, the number of
 8 people who -- there's certain data providers that sort
 9 of aggregate a bunch of different data sets and then
 10 give an approximation.

11 But it's -- it's not -- it's -- it's more
 12 useful at the sort of aggregate level, relative traffic
 13 volumes, when we compare it to other sort of more
 14 traditional traffic counting measures because it doesn't
 15 capture everybody. It sort of captures a stream of
 16 users based on whether they have a cellphone or whether
 17 they're using a certain service that allows location
 18 services.

19 **Q. So does the City of Seattle have access to that**
 20 **data for a particular area or particular time period?**

21 A. I don't believe that we do.

22 **Q. How are you aware that they have that**
 23 **capability?**

24 A. That's through ongoing conversations with those
 25 data providers, and -- and, you know, there's certain --

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1 of long-term capital project planning decisions as well.

2 So some of those come from community requests,
 3 some of those come from our own internal needs, and then
 4 some of them are just regular ongoing counting of
 5 vehicles primarily for -- for like our annual reporting
 6 purposes.

7 **Q. Do you know whether there were any manual**
 8 **counts done in June of 2020 in and around the Cal**
 9 **Anderson and East Precinct area?**

10 A. I don't believe that there were, but I can't be
 11 definitive in that.

12 **Q. Okay. All right. Let's go to Exhibit 10,**
 13 **which is a series of notes from a later meeting on**
 14 **June 10th. And if you go down to the bottom -- or --**
 15 **yeah, it's the bottom of the email, there's a**
 16 **Paragraph 4 that says, "Cal Anderson Park Support."**

17 A. Yes.

18 **Q. Do you recall there being discussions at a**
 19 **cabinet meeting on June 10th about concerns about the**
 20 **level of permanent activity at Cal Anderson Park?**

21 A. Yes. This -- yeah, I -- I recall this -- this
 22 discussion.

23 **Q. Okay. What do you recall about that**
 24 **discussion?**

25 A. You know, what's, I think, reflected in the

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1 certain services that -- that offer that -- offer us
 2 that service at various points. So there's some sales
 3 pitches involved.

4 **Q. Okay. So has the City ever paid for that**
 5 **data -- sort of data?**

6 A. Not at the -- not at a citywide level. We may
 7 have had -- for -- for certain projects or things like
 8 that.

9 **Q. Do you know whether that data has ever been**
 10 **purchased or looked at with regard to Capitol Hill in**
 11 **the June 2020 time frame?**

12 A. I don't think that we have any of that sort of
 13 data for Capitol Hill in the June 2020 time frame.

14 **Q. Do you know whether there were any manual**
 15 **traffic counts done by SDOT in Capitol Hill in June**
 16 **2020?**

17 A. I -- I don't know if there were.

18 **Q. What usually triggers a manual count of traffic**
 19 **flow by SDOT?**

20 A. So we have a regular count program where we
 21 count some similar intersections at the same time every
 22 year to -- for part of our annual traffic report.

23 We also do project-specific data collection, if
 24 we're looking to make a -- you know, a safety change in
 25 a -- in a project. Then we collect data for making sort

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1 notes here about having tents on-site, digging a
 2 community garden, which I think meant removing some
 3 parks infrastructure. I don't know what exactly, but
 4 there was some concern about creating a new community
 5 garden.

6 **Q. Okay. Why was that -- why did that raise**
 7 **concerns, that activity in the park?**

8 A. I -- my recollection, it was about the -- the
 9 long-term changes to what is in the park, of sort of
 10 park infrastructure.

11 **Q. Was there --**

12 A. Plantings --

13 **Q. Was there also concern that this meant that it**
 14 **appeared that the protesters were planning for a long**
 15 **period of time to be in that area?**

16 MR. CRAMER: Objection. Form.

17 A. Yeah, I -- I think it was just the amount of --
 18 I think that was sort of -- sort of more -- more about
 19 the damage and the -- you know, I think that planting a
 20 garden could indicate that people were planning to be
 21 there for a substantial amount of time.

22 BY MR. WEAVER:

23 **Q. Do you recall that being a discussion at -- at**
 24 **this -- at either this cabinet meeting or another**
 25 **cabinet meeting?**

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1 A. I think -- you know, I -- I recall there being
2 more -- more concern about the -- the level of damage
3 than that it would be something that people would be
4 sort of ongoing.

5 So I think maybe -- maybe permanent in this
6 regard was referring to sort of the -- the permanency of
7 the damage, but it may have been about -- other people
8 may have had a -- a concern about the long-term
9 residential activity within the park.

10 **Q. Meaning the tents in the park?**

11 A. Yeah.

12 **Q. Okay. Do you recall there being discussion
13 about whether to provide porta-potties to the park?**

14 A. I do, as -- as indicated here in the notes. I
15 remember there being some discussion about porta-potties
16 versus -- both within the park and in the vicinity
17 because there were a lot of people out for long periods
18 of time, and a lot of businesses closed.

19 **Q. What do you recall the discussions being about
20 whether to provide or not provide porta-potty service to
21 the area?**

22 A. You know, I don't remember a whole lot about
23 that, but I remember there being some -- some questions
24 about -- about providing porta-potties versus, you know,
25 what -- what it would mean from a -- from a waste

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1 A. I'm trying to remember. I don't remember if I
2 was there with her. I was there with her after the --
3 afterwards. I don't remember. I may have -- there may
4 have been one time where I was there with her, but those
5 are sort of blurring together.

6 And then there was one time when she was -- she
7 came to a meeting with some of the protest leads, which
8 I was not in that meeting, but that was nearby. So I
9 may have been there with her during the protest period
10 too, but I -- I don't remember.

11 **Q. What do you recall about the time you were with
12 her there, whether it was during the protests or another
13 time?**

14 A. So I recall the time after the protests a
15 little bit more clearly. We -- because we met with some
16 of the business owners and walked around the
17 neighborhood a little bit in looking at recovery from
18 the post -- post-protest activities and what -- you
19 know, where there was still some -- some maintenance or
20 operational issues several months later. And that was,
21 you know, sort of more -- that was a -- listening to
22 folks. This was late summer last year, I think, after
23 the -- after the protests were -- were -- were done.

24 **Q. Okay. Who do you recall being at that meeting
25 with you and the mayor?**

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1 perspective if we didn't provide porta-potties.

2 **Q. Okay. Do you recall anybody expressing
3 concerns about what a -- about what message it might
4 send to provide porta-potties to the area?**

5 A. Yeah, I remember some -- some concerns. And
6 again, this is similar to some of the other areas where
7 there wasn't -- there wasn't unanimity of all opinions
8 at all times.

9 **Q. Okay.**

10 A. There were some folks who felt like that that
11 could -- could encourage people to stay longer than they
12 might otherwise. I don't remember who took which
13 positions, though.

14 **Q. Okay. So you don't recall who was talking
15 about them potentially being a problem for long-term
16 residency?**

17 A. I -- I -- I --

18 MR. CRAMER: Objection. Form.

19 A. Yeah. I don't. It was a little bit out of
20 my -- my area of expertise, so was maybe not paying as
21 close attention to that as I could have.

22 BY MR. WEAVER:

23 **Q. Okay. Did you ever tour the area in and around
24 Cal Anderson and East Precinct in June of 2020 with
25 Mayor Durkan?**

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1 A. That, I recall Jesús Aguirre from Seattle Parks
2 and Recreation. I think Mami Hara was there as well. I
3 think there were representatives from Seattle Police
4 Department. It may have been Interim Chief Diaz, but
5 I'm not exactly sure. And I think perhaps Chief
6 Scoggins as well.

7 **Q. Okay. And do you recall who was there that
8 wasn't with -- was not a representative of the City?**

9 A. Yeah, so I think we -- I remember we met at a
10 restaurant sort of at the corner of 11th -- or 10th
11 and -- 10th and Pike. And then we met, I -- there were
12 a few business owners there, and we met -- we went up to
13 Rachel's Ginger Beer. We sort of walked around through
14 the neighborhood, and then met with folks there in -- in
15 Rachel's Ginger Beer, a couple different business owners
16 there as well.

17 **Q. Okay. What do you -- what were you -- what do
18 you recall discussing with the business owners on this
19 tour?**

20 A. I think at that point we were talking about
21 sort of long-term recovery of -- of businesses, business
22 activities, what we could do to support the -- the
23 long-term -- sort of what long-term plans for Cal
24 Anderson Park renewal might be.

25 I think there was -- there were concerns raised

42 (Pages 165 to 168)

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1 MR. CRAMER: Objection. Form.
 2 A. So I'm -- I'm not sure I would characterize it
 3 quite as negotiations. I think they were engagement
 4 conversations. There was -- there was not -- I didn't
 5 feel like there was a -- a negotiation in the sense of
 6 we were offering something and they were offering
 7 something in return.
 8 We were explaining our position and engaging
 9 about what the -- what we felt the long-term -- or
 10 the -- the sort of future of the protest area needed to
 11 be from our -- from our public responsibilities.
 12 We -- we asked them to nominate people who
 13 could speak on behalf of the -- of the protest group,
 14 but I would -- I would say that that -- those folks who
 15 were put forward for those conversations, if we had
 16 said, okay, here's your enforcement letter, would have
 17 said, "I don't speak on behalf of this group."
 18 I mean, as it was, it was a little bit
 19 challenging to figure out who consistently could --
 20 could be called on for that role of any kind of
 21 representation.
 22 BY MR. WEAVER:
 23 Q. So in a circumstance where -- let's go back to
 24 one that you talked about before, where there's a
 25 construction project that's blocking a lane of traffic

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1 and they haven't been permitted -- they -- it's not in
 2 their permit that they're -- they're allowed to do that.
 3 A. Okay.
 4 Q. If the -- if the construction owner doesn't
 5 remove the blockage, what does the Department of
 6 Transportation do to correct the situation?
 7 MR. CRAMER: Objection. Objection. Form.
 8 A. So we will tell them to correct it. And if
 9 they don't within 24 hours, they will -- we will issue a
 10 notice of violation typically, and it will carry a
 11 financial -- a small financial penalty.
 12 BY MR. WEAVER:
 13 Q. At any point does the Department of
 14 Transportation go in and remove the barrier themselves?
 15 A. Not typically.
 16 Q. Is it your understanding that you would have
 17 the authority to do that if you chose to exercise that
 18 authority?
 19 A. Yes, that's my understanding.
 20 Q. So I'd like to go to -- back to Exhibit 6,
 21 which is your texts, and Page 7, and this is Chat 288.
 22 This is June 19th with you and a series of other people.
 23 A. Okay.
 24 Q. Do you see that?
 25 A. Yep.

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1 Q. I just want to make sure you're on -- okay. So
 2 you indicated this about 7:00 in the morning on
 3 June 19th, that they had a couple water barriers across
 4 Pine between 11th and 12th.
 5 What were you referring to there, if you
 6 recall?
 7 A. So yeah, this is something that would -- would
 8 happen occasionally, sort of that there would be some
 9 things sort of moved in the -- in -- into -- in the way
 10 of traffic.
 11 And -- and it was like -- you know, I think I
 12 say, that last sentence, "They are still soft closing
 13 streets overnight." And I think this would be -- you
 14 know, people would put some things into the street.
 15 You could -- you could move them -- like, I
 16 could walk up and just move them out of the way. But
 17 they -- they could have been perceived as -- as not
 18 allowing access.
 19 But they weren't -- they weren't act- -- they
 20 were not filled with water. They were -- I could move
 21 them out of the way myself. But that would happen in
 22 different places at different times, and it would tend
 23 to happen when it was -- in the sort of overnight hours.
 24 Q. So it was typically overnight that they would
 25 do these soft closings?

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1 A. Yes.
 2 Q. Okay. And -- I mean, if somebody didn't go up
 3 to the barrier and try to move it, they wouldn't
 4 understand that it could be moved; is that right?
 5 MR. CRAMER: Objection. Form. Speculation.
 6 A. That's -- that's probably right. You know, it
 7 also was -- they sometimes would -- you would -- you
 8 could drive through, but you had to sort of be a bit
 9 more circuitous.
 10 So I don't -- I don't remember exactly how
 11 they -- like what the configuration was of -- of some of
 12 those things, but -- and it -- it was different in
 13 different places at different times.
 14 BY MR. WEAVER:
 15 Q. Did you find that typically, when they were
 16 moved overnight, they would be into lanes of traffic
 17 that had previously been attempted to be open?
 18 A. Sometimes, and sometimes it would be over one
 19 lane, but not the second lane, or one direction, but not
 20 the other direction of travel. I -- it was -- it was
 21 a -- I think it was a consistently evolving situation
 22 through that whole week.
 23 Q. Okay. And so we talked about the plywood too.
 24 Would the plywood be basically placed in the same areas
 25 that the orange water barriers might?

53 (Pages 209 to 212)

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1 A. Yep. Yes.
 2 Q. And again, typically at night?
 3 A. Yes.
 4 Q. At some point there was a switch from keeping
 5 the modified footprint that existed on June 16th and
 6 17th, that you installed on those days, and moving a
 7 couple weeks later to move everything out.
 8 Do you recall what the impetus was for that
 9 movement?
 10 A. I don't know if there was a -- I don't know
 11 what -- if there was a specific thing that happened.
 12 You know, I think some of -- some of this, the -- the
 13 sort of continued shifting of things, you know, it -- it
 14 felt like, from my perspective -- I can only speak for
 15 myself at this point, but it felt from my perspective
 16 like it was un- -- unlikely that we would ever in -- in
 17 this -- so this approach reach enough stability and
 18 predictability that me, Mami, Chief Scoggins, like we
 19 would be able to not engage at the level we were
 20 engaging.
 21 And the level we were engaging in order to
 22 ensure public services was, from my perspective, not
 23 sustainable in the long term, that the -- that the level
 24 that we were spending -- level of time meant that it was
 25 challenging to do the rest of our jobs because we were

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1 committed to ensuring public services and access in
 2 Capitol Hill. There's a whole city that I'm responsible
 3 for, not --
 4 Q. Sure.
 5 A. -- three blocks.
 6 Q. So Chief Scoggins is the fire chief for the
 7 entire city; right?
 8 A. Right.
 9 Q. And Mami Hara was -- was the director -- I
 10 think she's left -- for all of Seattle Public Utilities;
 11 right?
 12 A. Right.
 13 Q. And you were the head department -- head of the
 14 SDOT for the entire city; right?
 15 A. That's right.
 16 Q. And all three of you were spending either all
 17 day or a good portion of your days for about three or
 18 four weeks in the Capitol Hill neighborhood around Cal
 19 Anderson Park; right?
 20 A. That's right.
 21 Q. And you felt that was necessary to keep
 22 services at -- at some sort of reasonable level in the
 23 neighborhood; right?
 24 MR. CRAMER: Objection. Form.
 25 A. I felt like it was important to -- to -- yeah,

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1 to preserve our -- our public responsibilities of -- of
 2 access and -- and services and movement of people and
 3 goods.
 4 BY MR. WEAVER:
 5 Q. Okay. And did you notice a change in the shift
 6 of the priority to clear out the area after shootings
 7 that occurred in the area on June 20th and June 21,
 8 2020?
 9 A. I think that that potentially played into it.
 10 Q. How do you think that played into it, and what
 11 was your perception of why it played into it?
 12 A. You know, I -- I don't want to -- I don't want
 13 to speculate on -- on why it played into it for others.
 14 I -- it -- to me, it felt like things at that point --
 15 you know, I've talked about how our goal was to -- was
 16 continued de-escalation of conflict and looking for sort
 17 of a return to regular operations.
 18 I think some of those -- there -- there
 19 became -- or it seemed like we were heading towards an
 20 inflection point where we would not be successful in
 21 de-escalating, and there could be opportunities for
 22 escalating conflict, whether between -- you know, it
 23 started out as between protesters and police.
 24 It seemed like perhaps that was changing into
 25 among protesters, or a lot of uncertainty about what was

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1 going on with some of -- some of those incidents, that
 2 our original goal of de-escalating may not be long-term
 3 successful in the current -- in the -- in the
 4 configuration that we had out there at that point.
 5 Q. Okay. So I'd like you to look at your texts
 6 again, on Page 6. At the top there's a chat, 278. It's
 7 June 21st at about 11:30 at night.
 8 A. Uh-huh.
 9 Q. At this -- at this point do you remember
 10 whether there had been shootings at that point, on the
 11 20th and 21st, in the area?
 12 A. You know, I don't remember the dates of those
 13 incidents, but that -- but that -- from that text
 14 message, that sounds --
 15 Q. Okay.
 16 A. -- that sounds reasonable.
 17 Q. Okay. So Deputy Mayor Fong indicates that,
 18 "Given the shootings near the CHOP this evening, I feel
 19 strongly we need to plan now assuming a significant
 20 mobilization of City resources tomorrow to start
 21 clearing out the area."
 22 Do you see that?
 23 A. I do.
 24 Q. Does that refresh you as to whether there was a
 25 new urgency to clear out the area because there had been

54 (Pages 213 to 216)

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1 was sort of part of -- a lot of what went into that
2 operational planning.

3 **Q. Okay. So there's been about -- I think you**
4 **said 50 to 100 ecology blocks that had been moved in**
5 **about five days earlier?**

6 A. I think that's right. Something like that.

7 **Q. And so those needed --**

8 A. And it was probably closer --

9 **Q. Go ahead.**

10 A. It was probably closer to 100. I just --

11 **Q. Okay.**

12 A. -- I don't remember exactly now.

13 **Q. Okay. And so those all had to be cleared out**
14 **after having been placed five days ago; right?**

15 A. Some of them remained on-site to be used for
16 the eventual separation between the precinct and the
17 street, but some of them were removed and -- a lot of
18 them were damaged also. The -- the protesters had cut
19 some of those rings, and so they became hard to move
20 around without picking them up and --

21 **Q. Okay.**

22 A. -- putting them onto -- onto trucks.

23 **Q. There were also -- there was a lot of graffiti**
24 **in the area too; is that right?**

25 A. There was.

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1 a gray area, but there was a substantial amount of trash
2 and debris.

3 **Q. And there was, I guess, you know, 50 to 100**
4 **plywood sheaths that you were going to -- that you had**
5 **to try to preserve; right?**

6 A. That's right.

7 **Q. How many people did the team decide it was**
8 **going to take altogether, among the various departments,**
9 **if you know, to clean out the area?**

10 A. I don't remember. I remember we had a pretty
11 substantial deployment of SDOT personnel, probably --
12 well, on the -- the -- the final sort of full removal
13 day, and there were probably 40 or even -- even upwards
14 of 40 SDOT staff that were there, and that included
15 truck drivers, equipment operators, our signs and
16 markings, our maintenance laborers, other people who --
17 it was -- the idea was also to do as much as possible as
18 quickly as possible to sort of not have to continually
19 come back.

20 **Q. Okay. So you had people there who were**
21 **removing the plywood; correct?**

22 A. Uh-huh.

23 **Q. You had people there who were removing the**
24 **barriers?**

25 A. (Witness nods head.)

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1 **Q. Okay. Like what -- what volume of graffiti, if**
2 **you could describe it, did you see in the area around**
3 **the -- around the 22nd?**

4 A. There was a lot. There was graffiti in --
5 on -- on the streets, sidewalks, some of the building
6 faces. A lot.

7 **Q. And did you go into Cal Anderson -- I know**
8 **you -- that was not your area, but did you go in there**
9 **and see the graffiti in there at all?**

10 A. I didn't.

11 **Q. And there were -- there were a significant**
12 **number of people living in the area at that point who**
13 **were temporary residents that -- in the park and the --**
14 **and around the East Precinct; is that right?**

15 A. That's -- yeah, that's correct.

16 **Q. And I think there were -- there were, like, I**
17 **think -- forgive me for not recalling the exact**
18 **number -- about 20 or 23 porta-potties in the area?**

19 A. Within the whole area, that may be correct.
20 There were maybe ten within the streets that I remember.

21 **Q. All right. And there was trash in the area;**
22 **right?**

23 A. Yeah, I mean, there was some trash. There was
24 still -- there was continuous trash service. So what is
25 trash versus people's belongings is always a -- a bit of

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1 **Q. SDOT -- did SDOT have people who were removing**
2 **the speed humps?**

3 A. Yeah. Those were pretty easy -- the same
4 people who were removing barriers and things like that.

5 **Q. Okay. Were they also the same people that were**
6 **removing the signs that had been put up around the area?**

7 A. Yep.

8 **Q. And that -- that took -- with that group of 40**
9 **or maybe more people, it still took a couple days to**
10 **clean it up; right?**

11 A. It took most of one day, and then I think there
12 was a little bit of work the next day. And -- and then
13 we came back sort of over the next few weeks and -- and
14 power washed a lot of the streets and removed the
15 graffiti.

16 And then we came back a few months later --
17 actually, I think it even lasted somewhat into the
18 spring and -- and addressed some of the other damage to
19 the rainbow crosswalks and things like that. There had
20 been some fires set on them at some point, so...

21 **Q. Fires set on --**

22 A. On going -- we -- we've continued to --
23 continued to invest in repair and maintenance activities
24 in the whole of Capitol Hill.

25 **Q. So there were fires set on the rainbow**

57 (Pages 225 to 228)

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1 MR. WEAVER: All right.

2 THE VIDEOGRAPHER: Going off the record.

3 The time is approximately 4:25 p.m.

4 (Recess from 4:25 p.m. to 4:28 p.m.)

5 THE VIDEOGRAPHER: We are back on the
6 record. The time is approximately 4:28 p.m.

7 MR. CRAMER: And we do not have any
8 additional questions, but we will -- will reserve
9 signature.

10 THE VIDEOGRAPHER: Thank you. This
11 concludes today's deposition of Sam -- Samuel Zimbabwe.
12 The time is approximately 4:29 p.m. Going off the
13 record.

14 (Deposition concluded at 4:29 p.m.)

15 (Reading and signing was requested
16 pursuant to FRCP Rule 30(e).)

17 -o0o-

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1 C E R T I F I C A T E

2
3 STATE OF WASHINGTON
4 COUNTY OF PIERCE

5
6 I, Cindy M. Koch, a Certified Court Reporter in
7 and for the State of Washington, do hereby certify that
8 the foregoing transcript of the deposition of Samuel
9 Zimbabwe, having been duly sworn, on October 28, 2021,
10 is true and accurate to the best of my knowledge, skill
11 and ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 and seal this 5th day of November, 2021.



14
15
16 CINDY M. KOCH, CCR, RPR, CRR

17
18 My commission expires:
19 JUNE 9, 2022

60 (Pages 237 to 238)

Exhibit 6

Hunters Capital, LLC v. City of Seattle

Carmen Best

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)

Plaintiff(s),)

vs.) 20-cv-00983-TSZ

CITY OF SEATTLE,)

Defendant(s).)

VIDEOTAPED VIDEOCONFERENCE
DEPOSITION UPON ORAL EXAMINATION OF
CARMEN BESTWitness located in
Seattle, Washington
(All participants appearing via Zoom videoconference.)DATE TAKEN: NOVEMBER 9, 2021
REPORTED BY: PATSY D. JACOY, CCR 2348

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DEPOSITION OF CARMEN BEST
EXAMINATION INDEXEXAMINATION BY: PAGE(S)
BY MS. EAKES 8

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1 (Pages 1 to 4)

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1 Kerlikowske came, when he came on board at the
2 department because he's the one who brought me up to be
3 a supervisor and -- in public affairs, but I'm -- I
4 can't quite remember the year that that was, to be
5 honest with you.

6 **Q. Okay. How many years were you there as a**
7 **sergeant do you think?**

8 A. Well, maybe about three.

9 **Q. Three?**

10 A. Oh, East Precinct, yeah, probably -- yeah,
11 probably about a couple years, couple three years.

12 **Q. Okay, great. All right. So can you just tell**
13 **me from your perspective, I mean, what -- what were the**
14 **events that kind of led to the creation of what**
15 **ultimately became the CHOP, officially CHAZ?**

16 MS. ASHBAUGH: Object to the form.

17 MR. CRAMER: Same objection.

18 A. Go ahead and answer, though?

19 **Q. (BY MS. EAKES) Yeah.**

20 MS. ASHBAUGH: Yes.

21 A. So, you know, what I can tell you is that we
22 were -- we had a number of demonstrations that had been
23 going on, and then at some point, you know, we --
24 eventually we -- the precinct was evacuated, the East
25 Precinct was evacuated with the purp -- intent of

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1 having it be a temporary evacuation. The next -- I
2 don't remember the date exactly, but the next day, as
3 we were trying to come back into the precinct, the
4 people who were entering -- were trying to enter the
5 area were stopped by folks who had removed the police
6 barricades -- or the police barricades -- or had put
7 barricades around the precinct and told them
8 essentially to leave the area and leave their sovereign
9 property as I recall.

10 So we really didn't know what it was at that
11 point, but, you know, as far as I can tell therein lied
12 the beginning of the -- what was at that time was known
13 as the Capitol Hill Autonomous Zone, so I believe it
14 was one captain and acting lieutenant. I was later
15 notified -- when I went in it was still dark in the
16 morning. I was later notified of the encounter, but
17 really didn't know, you know, what to make of it, to be
18 honest with you.

19 We later -- and I don't remember the exact
20 time frame were -- it was determined that they were
21 there and they were -- had created an autonomous zone.
22 I really wasn't sure what that was. We were trying to
23 figure out what we were dealing with, but I would say
24 it was right after that last set of demonstrations.
25 And so therein lied that zone and then -- then we

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1 **started working to see what it was we had really.**

2 **Q. Great. So let me -- let's start by talking**
3 **about the protests before the precinct -- before you**
4 **left the precinct.**

5 A. Sure.

6 **Q. Do you remember -- so I think the date that**
7 **you left the precinct was June 8th, if that helps, of**
8 **2020.**

9 A. Okay.

10 **Q. So prior to that I understand there were a**
11 **number of protests up in and around the East Precinct**
12 **following George Floyd's death and then after the**
13 **protests. Were you -- were you up at the East Precinct**
14 **at any point prior to the abandonment of the precinct**
15 **for those protests?**

16 A. Yes, I was.

17 MR. CRAMER: Object to the form.

18 THE WITNESS: Oh, I'm sorry.

19 MR. CRAMER: I'm going to object to the
20 form; misstates testimony. Go ahead.

21 **Q. (BY MS. EAKES) You were --**

22 MR. CRAMER: Go ahead, you can answer.

23 A. I'm sorry. Okay. So, yes, I -- I had been at
24 the precinct, you know, during the protest time.

25 **Q. (BY MS. EAKES) Tell us about that. What was**

Page 36

1 **your experience? What did you see in terms of what was**
2 **happening with the protesters?**

3 A. Yeah, there were multiple days -- am I okay to
4 go ahead?

5 **Q. Yeah.**

6 A. Okay. There were multiple days of protests.
7 You know, I as a chief was there many nights. I don't
8 remember the exact number, but I was there quite a bit.
9 I felt like my role specifically was to, one, make sure
10 that, you know, that we were lining up with the
11 incident action plan, but additionally to talk to the
12 commanders and to talk to the troops on the ground, and
13 I did that.

14 On occasion, I don't remember which nights,
15 one night I know I went out onto the front line where
16 it was particularly loud and volatile, and so I walked
17 out to talk to some of the people on the front line.
18 On the other side of that line I remember there were
19 several City councilmembers there who I spoke to while
20 they were there as well. Many nights I was within the
21 precinct and just standing by, you know, while the
22 protests were occurring, would go out on different
23 occasions, would drive around the area with my driver
24 to see, you know, what -- you know, to get a -- you
25 know, a bird's-eye -- not a bird's-eye view, but a line

9 (Pages 33 to 36)

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1 MS. ASHBAUGH: Object to form.
 2 A. Yeah, I only know -- honestly I only know what
 3 we were dealing with. You know, our plan was to move
 4 back in. I didn't hear any objection to that or
 5 anything otherwise for us to go back into the precinct.
 6 Clearly that wasn't -- we weren't able to do that the
 7 next day.
 8 **Q. (BY MS. EAKES) And what was the mayor's**
 9 **office reaction when you told them about what happened**
 10 **with your lieutenant and your captain showing up and**
 11 **being turned away by the armed protesters or armed**
 12 **people in the CHOP?**
 13 MR. CRAMER: Objection to form.
 14 MS. ASHBAUGH: Object to the form.
 15 A. Yeah, and I -- I really can't answer that. I
 16 mean, I just -- I don't know. I do remember relaying
 17 the information. Wasn't necessarily looking for a
 18 reaction, but more or less providing, you know, the
 19 details as we knew them and trying to make sure that
 20 people kept apprised of what was happening as it was
 21 evolving.
 22 **Q. (BY MS. EAKES) And what -- at some point did**
 23 **you become aware of the mayor supporting the -- an**
 24 **occupation of the area so to speak?**
 25 MR. CRAMER: Objection; form.

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1 A. Yeah, I -- I -- I can't say "supporting" -- I
 2 just -- that. I know she was aware of it and aware of
 3 what was happening. We were trying to keep her
 4 apprised of it.
 5 **Q. (BY MS. EAKES) Well, what was your**
 6 **understanding about whether or not the mayor supported**
 7 **the occupation of the area?**
 8 A. Well, my -- as far as I could tell, everybody
 9 was taking a wait-and-see approach to what was
 10 occurring. Again, I keep saying this, but it was just
 11 so unprecedented and so foreign of a -- of a situation
 12 that there was more of a wait-and-see approach to how
 13 we were going to address the occupiers. People were,
 14 you know, categorizing it as, you know, a protest. I
 15 wasn't so sure, but I -- I wasn't -- I didn't know.
 16 **Q. Can you take a look at the podcast again,**
 17 **Exhibit 1, at page 20?**
 18 A. I would gladly do that.
 19 **Q. And if you just look at the second from the**
 20 **top that says Carmen Best.**
 21 MR. CRAMER: Sorry, Patty, which page
 22 did you say?
 23 MS. EAKES: 20.
 24 A. 20, okay, almost there. Where it starts: But
 25 the City?

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1 **Q. (BY MS. EAKES) Yes. And you might want to**
 2 **look at the one right above that.**
 3 A. Okay. (Witness reading document.)
 4 MR. CRAMER: And can you re-ask your
 5 question on this page, Patty?
 6 **Q. (BY MS. EAKES) Just let me know when you're**
 7 **done reading it.**
 8 A. Sure will. Just give me one second.
 9 **Q. Sure.**
 10 A. (Witness reading document.) Okay, I've read
 11 it.
 12 **Q. So in the first section that says Carmen Best**
 13 **you said: I got to tell you, though, we were pretty**
 14 **clear. I just thought it was terrible and that we had**
 15 **a real problem and we needed to get on this and figure**
 16 **this out.**
 17 **What -- tell me what you meant by that. What**
 18 **was terrible? What was the big problem that you saw?**
 19 A. Well, from my own perspective I was extremely
 20 concerned about people coming into a neighborhood and
 21 occupying the neighborhood and claiming it as their
 22 sovereign property, so I was very concerned about it,
 23 you know, and so that was a real problem. I thought it
 24 was a real problem and definitely wanted to understand
 25 where we were with this and what was happening and

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1 figure out what people were doing and why they were
 2 there and what their intention was, what the public
 3 safety aspects of people being there in that capacity
 4 and what it might entail for others in the area.
 5 **Q. And did you think that -- that it could**
 6 **potentially lead to violence and problems for the**
 7 **businesses and the residents of that area that had been**
 8 **occupied?**
 9 A. Well, I thought that the potential was there
 10 for -- you know, who knows how it could come out, but
 11 there was obviously potential for it to go bad. There
 12 was also the potential for it to go well, but, you
 13 know, as a police chief you're much concerned about the
 14 contingencies for a negative -- for a negative outcome
 15 than anything -- more so than anything else, you know,
 16 planning for the worst but hoping for the best so to
 17 speak.
 18 **Q. And in the second paragraph that says Carmen**
 19 **Best it says: And there was no one that I could really**
 20 **turn to and say, "Does anybody see how bad this is and**
 21 **how this is going to be a problem?"**
 22 **Tell me about that. What -- what were you**
 23 **trying to convey there?**
 24 A. Well, you know, I would say this: There was
 25 obviously a difference of opinion about the approach,

29 (Pages 113 to 116)

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1 my interpretation and you'll have to talk to others
 2 about what -- you know, was that -- it was more of a
 3 wait-and-see approach and clearly, you know, I had some
 4 concerns about it. You know, I think everybody was
 5 concerned about what was happening, but how to approach
 6 it was -- we weren't all on -- you know, fully on the
 7 same page about that, but I recognize that, you know,
 8 there's compromising too in these situations.

9 **Q. Were you and the mayor on the same page in**
 10 **terms of how to approach it?**

11 MR. CRAMER: Objection; form,
 12 foundation.

13 A. Yeah, give me -- give me a little more there.
 14 What do you mean?

15 **Q. (BY MS. EAKES) Well, I mean, you said there**
 16 **was a difference of opinion and I'm -- as to how to**
 17 **approach it, so was your opinion different from -- I**
 18 **mean, did you and the mayor have different opinions**
 19 **about how to approach the problem?**

20 MR. CRAMER: Objection to form.

21 A. Well, the reason I'm saying that, you know,
 22 I'm not delineating that to one person, but clearly I
 23 go on to talk about the fact that, you know, I was not
 24 necessarily in agreement with some of the responses
 25 about -- you know, about the porta potties and that

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1 sort of thing. I think that, you know, I had some
 2 concern there and I think that, you know, the City
 3 wanted to take a more measured approach than I did.

4 **Q. And what were your concerns about the porta**
 5 **potties and those other things that you referred to**
 6 **later?**

7 MR. CRAMER: Objection; form, vague.

8 A. Yeah, just generally speaking I thought that
 9 that might be something that would entice people to
 10 stay rather than leave.

11 **Q. (BY MS. EAKES) Okay. So you were concerned**
 12 **that the City was -- by doing some of those things was**
 13 **signifying or endorsing that people should stay in the**
 14 **area as opposed to leave; is that right?**

15 MR. CRAMER: Object to form.

16 A. Yeah, I thought that might be an outcome if we
 17 brought -- if the City brought in porta potties that
 18 some would take that as an invitation to stay longer
 19 because they have facilities there.

20 **Q. (BY MS. EAKES) So you said that, you know,**
 21 **SPD's plan was to reoccupy the East Precinct following**
 22 **the next -- the next day basically after the**
 23 **evacuation, right?**

24 A. Yes.

25 **Q. When did that plan change?**

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1 A. Well, when we weren't physically able to get
 2 back to the precinct and we were met with armed folks
 3 that we realized that this was -- we were dealing with
 4 a different situation, again, unprecedented. No way
 5 could we have foreseen that people would show up armed
 6 and put barricades around the perimeter in the area.
 7 It had never happened before and it was just an
 8 unprecedented circumstance and, again, it really wasn't
 9 clear what the intention was, but we -- but we knew
 10 that we needed to sort of figure out what was going on
 11 there and it was very concerning.

12 **Q. And did you have discussions, you or your**
 13 **command, with the mayor's office about, "Hey, what's**
 14 **the plan about when we can get back into the East**
 15 **Precinct?"**

16 A. Yeah, I think there were a lot of discussions
 17 about, you know, what -- with the people who were
 18 occupying and also about how to get back in the
 19 precinct. I can't overemphasize my desire to have the
 20 officers having a place to respond from and being back
 21 in a sense of normalcy. So we had a lot of discussions
 22 about many of the aspects of what was happening there
 23 and how best to address it, and it wasn't just, you
 24 know, the police department. There were other city
 25 departments involved in those discussions about how to

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1 move forward.

2 **Q. Going back to the transcript that we just**
 3 **looked at of the podcast, you also said right before**
 4 **the last sentence I read to you: Seattle Public**
 5 **Utilities and bringing in porta potties for these folks**
 6 **and I think the mayor was quoted as saying summer of**
 7 **love.**

8 **Tell me about that. I mean, I asked you**
 9 **earlier about whether or not the mayor had a -- a**
 10 **different view about whether or not to support the**
 11 **continued occupation of the area. When did you hear or**
 12 **see that comment?**

13 A. I don't -- I don't really remember when it
 14 was. I do remember seeing it and, again, my -- my
 15 concern was the potential for -- you know, I wanted
 16 people out of the area, just to be honest, and was --
 17 and was concerned about that and I think that, you
 18 know, there were different perspectives about, you
 19 know, what was happening there. And -- and obviously
 20 in the beginning, you know, it was just problematic
 21 simply because of the occupation and the lack of our
 22 ability to get into the precinct, and over time that
 23 got a little more challenging.

24 **Q. And you said you just wanted people out of the**
 25 **area. Why did you want people out of the area, Carmen?**

30 (Pages 117 to 120)

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1 I will note that, you know, under SPD it
2 was -- the objective was to get the officers back into
3 the building. So I do -- I do know what our objective
4 was, and that -- that seems to be stated clearly there.
5 I'm not sure about the rest of it.

6 **Q. Sure. Did -- did you have an opinion about**
7 **whether or not you thought it was wise to just try to**
8 **continue to maintain the existing footprint?**

9 A. You know, I -- this document looks like it was
10 written on January -- I'm sorry, on June 10th, which is
11 just a few days after, you know, the CHOP or CHAZ
12 began, so early on, you know, I think we were just
13 trying to figure out what we had and so those -- maybe
14 early on that may have made sense. I think probably as
15 things evolved that may not have made sense as we got
16 further down into -- you know, further along the time
17 line.

18 **Q. What other services or conveniences are you**
19 **aware of that the City provided to the protesters --**

20 MS. ASHBAUGH: Object to the form.

21 **Q. (BY MS. EAKES) -- besides the porta potties?**

22 MS. ASHBAUGH: Sorry, object to the
23 form.

24 MR. CRAMER: Same objection.

25 A. Well, I think we all know that there were

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1 happening, people really trying to grapple with, you
2 know, what to do and how to move forward. So, you
3 know, I just -- I recognize that it was just a fastly
4 moving and evolving situation on all fronts and we were
5 all doing the best we could to figure out what needed
6 to be done, and as with any circumstances, we all
7 didn't necessarily agree about which approach to use
8 when.

9 **Q. Okay. And did you think that allowing them to**
10 **dig -- the protesters or some people to dig a garden in**
11 **Cal Anderson Park might encourage people to stay also**
12 **or was sending a message that they could stay longer?**

13 A. I -- I did personally think that because a
14 garden takes time to grow, so that's not something that
15 they can dig and leave the next day. So I was a little
16 concerned about that -- about that premise, but again,
17 you know, I think that there was so much happening and
18 so much going on there that we were all trying to
19 figure out what to do, and I was really laser focused
20 on, you know, getting officers back into the precinct.

21 **Q. What about providing lights in the park, was**
22 **that a concern to you that it would encourage the**
23 **protesters to stay?**

24 MR. CRAMER: Objection; form.

25 A. Yeah, and I don't recall even -- even thinking

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1 porta potties being delivered and some of the agencies
2 were providing, you know, some -- I don't know what we
3 would call it -- you know, some things -- you know,
4 hand sanitizer and other things, maybe water, and that
5 at some point, I don't remember exactly when, there was
6 a garden being built in the park that was allowed to
7 occur.

8 So those are things that come to mind. Again,
9 the things I was most concerned about were the things
10 that were -- that might -- you know, that might delay
11 people leaving the area.

12 **Q. (BY MS. EAKES) Okay. And what were the**
13 **things that you thought might delay the people leaving**
14 **the area?**

15 A. Providing, you know, the porta potties was a
16 concern because that -- that in my view -- and that --
17 there are different perspectives here, of course, but
18 in my view that sent a message that you're going to be
19 here a while, you know, at least long enough to have
20 facilities, and, you know, then maybe handing out water
21 and other things also was an indication to me that it
22 might be enabling people to stay longer.

23 Again, there were a lot of negotiations, I
24 have to caveat that, but there were so many
25 negotiations going on, a lot of unprecedented things

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1 about that, to be honest with you. I don't remember
2 that being a specific thing that I even had a thought
3 about, but some of the other things I mentioned, yes.

4 **Q. (BY MS. EAKES) What about providing the big**
5 **concrete barriers to the CHOP participants to replace**
6 **the weaker barriers, were you concerned about that?**

7 MR. CRAMER: Objection; form.

8 MS. ASHBAUGH: Same objection.

9 A. I don't even recall that, Patty, to be honest
10 with you.

11 **Q. (BY MS. EAKES) Okay. What about providing**
12 **plywood that was used to create additional barricades,**
13 **do you remember that?**

14 MR. CRAMER: Objection; form.

15 A. Yeah, I don't. I really don't remember that.
16 Yeah, what I remember is this, the main points, is that
17 we were not there in the precinct. There were people
18 occupying the area around the precinct and that they
19 had set up their own barricades and that in some -- you
20 know, and that planting a vegetable garden in my view
21 might be an indication that they weren't planning on
22 leaving any time soon. So those -- those are the main
23 things I recall at this point being mostly concerned
24 about. The other things I -- you know, it's in my
25 rearview mirror. I just don't even remember it, to be

32 (Pages 125 to 128)

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1 honest with you.

2 **Q. (BY MS. EAKES) Do you remember whether the**
 3 **mayor tweeted or made any comments about the planting**
 4 **of the garden that you found -- or do you remember if**
 5 **she made any comments about that?**

6 A. I don't know. She may have.

7 **Q. Okay.**

8 A. Yeah.

9 **Q. Did you feel like the mayor was -- or did you**
 10 **believe the mayor was by her conduct or her statements**
 11 **encouraging people to stay in the area or potentially**
 12 **encouraging people to stay in the area initially?**

13 MR. CRAMER: Object to form. Objection,
 14 object to form.

15 A. Yeah, that's -- you know, I think that --
 16 that, you know, that some of the things that -- some of
 17 the strategies weren't pushing people -- weren't going
 18 to push people to move out of the area. I definitely
 19 felt that and there were -- you know, there were a
 20 number of people, you know, that were sort of
 21 contributing to that, but that's just my perspective.

22 Again, I have to caveat all of the stuff, you
 23 know, as looking back on hindsight being 20/20 that it
 24 was just very dynamic and very unprecedented, and so
 25 people were, one, not wanting to antagonize the

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1 **correctly, but it sounds like at least you were sharing**
 2 **your personal view, whether people agreed with you or**
 3 **not, your personal view of the wisdom of some of those**
 4 **things; is that fair?**

5 A. That's fair.

6 **Q. Okay. And did -- were you also aware that**
 7 **they were provided -- that the protesters were provided**
 8 **a dumpsters and garbage service?**

9 MR. CRAMER: Objection; form.

10 A. I think at some point I recollect that they
 11 were, you know, cleaning out, you know, cleaning up the
 12 garbage that was in the area.

13 **Q. (BY MS. EAKES) Did you have concerns about**
 14 **whether or not that was encouraging the protesters to**
 15 **stay?**

16 A. At this point I can't remember that with any
 17 level of specificity. You know, I wasn't thinking of
 18 the -- the totality of the circumstances and the
 19 totality of what we were looking at and concerned
 20 that -- you know, that, you know, that they might --
 21 that whatever was happening there from the City's, you
 22 know, perspective might not encourage people to leave.
 23 So can I say with a level of specificity that I
 24 specifically focused on the garbage and garbage
 25 removal? No, but generally speaking, I didn't want the

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1 occupiers and incite, you know, anything, I didn't want
 2 to do that either, but I also -- for me felt like it --
 3 we needed to, you know, halt it sooner to get the
 4 officers back into the precinct, you know, and like I
 5 said, you know, a number of people dealing with
 6 unprecedented circumstances, we all weren't going to
 7 agree on every aspect of what -- of the approach.

8 **Q. (BY MS. EAKES) Did you share your views about**
 9 **the things you disagreed with in terms of the strategy**
 10 **and the things that were being provided to the**
 11 **protesters, did you share your views with the mayor's**
 12 **office about those things?**

13 MR. CRAMER: Objection; form.

14 A. Yeah, I think there were a lot of
 15 conversations around what was being done and what was
 16 happening. You know, I certainly would have questioned
 17 the need -- you know, the -- you know, the need for
 18 porta potties and other things. I think that, you
 19 know, other people had other reasoning about why that
 20 was a necessary strategy moving forward. Again, we
 21 just sometimes have to agree to disagree on these
 22 things and move forward as best we can, you know,
 23 under, again, unprecedented circumstances.

24 **Q. (BY MS. EAKES) Sure. And I don't want to put**
 25 **words in your mouth. I want to make sure I've got that**

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1 potential for people to think this was a long-term
 2 occupation because we weren't able to get into our
 3 precinct.

4 **Q. Okay. And did you feel like any of the**
 5 **conduct of the mayor herself might be sending the**
 6 **message that this could be a long-term occupation?**

7 MS. ASHBAUGH: Objection to form.

8 MR. CRAMER: Same objection.

9 A. Yeah, and, you know, I really wasn't -- I
 10 really wasn't focused on the conduct of the mayor, the
 11 mayor that I never even saw her down there. It was
 12 mostly the City's response, you know, I had some
 13 concerns about it, to be honest with you, but I also
 14 recognized that we all aren't going to agree on how to
 15 move forward, and the fact that I really wanted the
 16 officers back in the precinct was much more paramount
 17 to me, I believe, than it was to maybe some of the
 18 other city departments.

19 **Q. (BY MS. EAKES) Did you ever see the mayor**
 20 **down in the CHOP when you were down there?**

21 A. Not when I was there that I can recall. I'm
 22 sure that she probably did go, but I -- I really don't
 23 know.

24 **Q. How often did you visit the CHOP zone after**
 25 **the abandonment of the precinct on the 8th until it was**

33 (Pages 129 to 132)

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1 police department because hearsay, we can't act on
2 hearsay. We have to act on, you know, somebody
3 reporting an actual crime that occurred or announcing
4 themselves as a victim and we really weren't -- we
5 really weren't seeing that in the official context, but
6 anecdotally, yes, so that's why we made the request
7 that if this is happening to you, please report it to
8 police.

9 **Q. And so as you were taking reports from people**
10 **within the CHOP reporting various crimes, were those**
11 **things being shared with the mayor's office?**

12 MR. CRAMER: Objection; form.

13 A. I -- I'll just go back to say we were trying
14 to keep them apprised and updated on as much as
15 possible that was going on with the CHOP. There were a
16 number of crimes, you know, and -- you know, the types
17 of calls for service we were responding to and response
18 times and we weren't trying to not -- to not share the
19 information.

20 **Q. (BY MS. EAKES) And were you frustrated at all**
21 **with the response you got from the mayor's office as**
22 **you were reporting what you were hearing from people in**
23 **the CHOP about what they were experiencing?**

24 A. I just wanted to, you know, to share the
25 information and develop a strategy for us to minimize

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1 the negative impacts that we were seeing. So, you
2 know, frustration probably isn't the right word, you
3 know -- well, you might categorize it as that. I just
4 wanted to really work with the mayor's office and any
5 other entities to develop a strategy to minimize, you
6 know, the increased calls -- the increased response
7 times to calls for service and the ability, you know,
8 again, for the officers to get back into the precinct.

9 MS. EAKES: Will you drop 35, our 35.
10 What will we call that, what number will it be?

11 MS. CARRIAGA: 17.

12 MS. EAKES: Okay. So we're going to put
13 another one in the chat room for you.

14 (Exhibit No. 17 was marked.)

15 MS. EAKES: Or did you want to take a
16 break, Shane, or not?

17 MR. CRAMER: No, I'm fine.

18 **Q. (BY MS. EAKES) Okay. Carmen, are you okay?**

19 A. Yeah, I am. I have -- I have a hard stop at
20 like at least 5:20. Is that going to be feasible?

21 **Q. Try and get it done, yes.**

22 A. Okay, thank you.

23 **Q. No problem. Let me know when you've got it**
24 **and can look at it.**

25 A. Oh, okay, which number was that?

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1 **Q. 17.**

2 A. Oh, yeah, I'm sorry, I do have it. Okay.

3 **Q. Can you tell me what was your reaction to this**
4 **email from the mayor?**

5 A. I don't -- I don't recall specifically what
6 the reaction was, but -- I don't recall specifically,
7 but clearly, you know, the request in this email is
8 your teams need to develop a true -- develop true
9 operational plans so there's not a repeat and that they
10 need to reflect ground truths and your best thinking of
11 de-escalation and positive response. So, again, you
12 know, this is totally reflective in nature. I don't
13 remember this email, but I would imagine that I would
14 just follow through with the request as it was being
15 presented.

16 **Q. Do you agree with the mayor's statement that**
17 **what happened, meaning -- and this was after the first**
18 **homicide -- was foreseeable and avoidable?**

19 MR. CRAMER: Objection to form.

20 MS. ASHBAUGH: Objection to form.

21 A. Yeah, far -- far be it from me to, you know,
22 speculate on, you know, what the mayor was saying here,
23 but --

24 **Q. (BY MS. EAKES) And I'm not asking you --**

25 A. Yeah.

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1 **Q. -- that, just to be clear, Carmen. I just**
2 **want to know do you agree with what she says here. I**
3 **mean, the email says what it says. Do you agree with**
4 **her statement that it was foreseeable and avoidable?**

5 A. Well, I think --

6 MR. CRAMER: Objection to form.

7 A. Yeah, I think she's talking about the murder
8 that happened that morning, right?

9 **Q. (BY MS. EAKES) Right, right.**

10 A. So, you know, I don't know that we could
11 foresee a murder happening of a -- of a young man, but
12 we certainly could see the escalation, you know. We
13 knew there had been escalation in -- in crime and
14 activity, hence trying to make sure that we were able
15 to get back into the precinct and have a -- you know,
16 and mitigate the circumstances.

17 **Q. So if I understand you correctly, maybe not**
18 **foreseeable a specific murder of this person, but**
19 **certainly foreseeable that there was increased violence**
20 **and crime going on?**

21 A. Yes.

22 MR. CRAMER: Object to the form.

23 A. Sorry. Yes.

24 **Q. (BY MS. EAKES) And what about the statement**
25 **that it was avoidable, do you agree with that?**

49 (Pages 193 to 196)

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1 questions going back to your phones and text messages.
 2 Have you learned anything since you handed your phone
 3 in about what might have happened to your text messages
 4 on your City phone?

5 MR. CRAMER: Objection; form.

6 A. No.

7 Q. (BY MS. EAKES) Okay. And do you know if your
 8 assistant might have deleted any messages before you
 9 turned in your phone, any text messages, I should say?

10 MS. ASHBAUGH: Object to form.

11 A. Yeah, not that I'm aware of. You know, no.

12 Q. (BY MS. EAKES) Do you know if it was her
 13 practice to delete things, your text messages from your
 14 phone?

15 A. That was not her practice.

16 MS. EAKES: All right. I think that's
 17 all I have -- that's all I have. Thank you very much
 18 for your time.

19 THE WITNESS: Thank you.

20 MS. EAKES: I don't know if Shane has
 21 any questions. I assume not, but...

22 MR. CRAMER: I have no questions. Thank
 23 you very much for your time, Chief.

24 THE WITNESS: Okay. Thank you all, I
 25 appreciate it.

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1 CERTIFICATE

2 STATE OF WASHINGTON)

3)
 4 COUNTY OF KING)

5
 6 I, Patricia D. Jacoy, a Certified
 7 Shorthand Reporter in and for the State of Washington,
 8 do hereby certify that the foregoing transcript of the
 9 deposition of CARMEN BEST taken on November 9, 2021 is
 10 true and accurate to the best of my knowledge, skill
 11 and ability.



12
 13
 14 *Patricia D. Jacoy*
 15 Patricia D. Jacoy, CSR 2348
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1 MR. CRAMER: Denise, do you want to
 2 reserve signature?

3 MS. ASHBAUGH: Yeah, we're going to
 4 reserve.

5 MS. EAKES: Okay.

6 MR. CRAMER: Thanks, everybody.

7 VIDEO OPERATOR: This concludes the
 8 deposition of Carmen Best. The time now is
 9 approximately 5:08 p.m. Going off the record.

10 (Deposition concluded at 5:08 p.m.)

11 (Reading and signing was requested
 12 pursuant to FRCP Rule 30(e).)
 13
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58 (Pages 229 to 231)

Exhibit 7



City of Seattle
Mayor Jenny A. Durkan

Office of the Mayor
City of Seattle
Jenny A. Durkan, Mayor

Executive Order 2020-08: To provide City departments direction on a coordinated City response with respect to observed and reported life safety, public health, and property issues in and around the East Precinct and Cal Anderson Park.

The purpose of this Executive Order is to direct Departments to coordinate the City's response to observed and reported life safety, public health, and property issues in and around the East Precinct and Cal Anderson Park.

WHEREAS, the killing of George Floyd by a police officer in Minneapolis on May 25, 2020, has generated anger and outrage across the United States, resulting in mass demonstrations; and

WHEREAS, the City supports the people's right to lawful assembly guaranteed by the Constitution of the United States of America and the Constitution of the State of Washington. Due to the current State of Emergency and the Governor's Stay Home Stay Healthy Order, the City was unable to issue a parade and/or demonstration permits to groups who wished to lawfully assemble to voice their opinions, and plans to escort parades and otherwise assist in the safe and lawful right of speech and assembly; and

WHEREAS, the City recognizes that parades and demonstrations which will travel upon public streets and sidewalks, will disrupt and impair pedestrians, motorists and transit, and the City recognizes that some disruption is part of the rights of free speech and lawful assembly which the City will safeguard; and

WHEREAS, much of the expression has been peaceful and created community solidarity for Black Lives Matter, including features such as a community garden, public art, and conversation corner; and

WHEREAS, to date, City departments have more than reasonably accommodated protestors by offering services and shelter. The City has spent weeks on voluntary efforts to urge people to leave the Cal Anderson Park area given the emerging circumstances and recent shootings; and

WHEREAS, in the area around the Seattle Police Department's East Precinct, bounded by Broadway (west) and 13th Ave E. (east) and E Denny Way (north) and E. Pike St. (south) (defined as "Cal Anderson Park Area"), the City has reasonably facilitated on ongoing exercise of First Amendment rights and demonstrations by:

- Providing basic hygiene, water, litter and garbage removal, and electricity;
- Temporarily allowing obstructions of public parks, streets, and sidewalks;
- Modifying SPD and SFD response protocols to meet public safety needs to the extent possible within this area;
- Modifying streets and pedestrian access routes;
- Providing social services outreach and engagement along with referrals for shelter, behavioral health and other supports for individuals in need; and
- Facilitating modified city services delivery to local residents and businesses impacted by the events in this area.

WHEREAS, the City's obligations under the First Amendment do not require the City to provide limitless sanctuary to occupy City property, damage City and private property, obstruct the right of way, or foster dangerous conditions; and

WHEREAS, after significant national attention, many protestors have left the area but the conditions in the Cal Anderson Park Area have deteriorated to the point where public health, life, and safety are threatened by activities in and around this area, as supported by the following facts:

- On June 20, 2020, the first of three incidents of firearms violent with multiple victims occurred; one individual was shot and killed, and another was shot and seriously injured.
- First responders from the Seattle Fire Department and Seattle Police Department were denied safe access to the area by hostile crowds, including armed individuals, and obstructions.
- On June 22, 2020, a second incident involving firearms violence injured two additional individuals. On June 26, 2020, SDOT employees attempted to remove a limited number of barriers, but unarmed employees were met with hostility and weapons. SDOT could not conduct operations.
- Access by first responders to emergencies have been impeded further. On the morning of June 28, demonstrators moved the concrete barriers to completely restrict access of fire and medics on multiple roads. Demonstrators had previously agreed to open these areas to access for residents, businesses, city services, and fire.
- On June 29, 2020, a juvenile was shot and killed, and another juvenile was seriously injured in the immediate vicinity of this area. Evidence indicates that this murder may have been committed by individual(s) "occupying" the area.
- On June 30, 2020, SDOT removed a limited number of barriers with SPD, but was quickly met with agitated opposition to the removal.
- In addition, SPD has received numerous reports of narcotics use and violent crime, including rape, robbery, assault, and increased gang activity. An increase of 525%, 22 additional incidents, in person-related crime in the area, to include two additional homicides, 6

additional robberies, and 16 additional aggravated assaults (to include 2 additional non-fatal shootings) between June 2nd and June 30th, 2020, compared to the same period of time in 2019.

- Residential and businesses in the area have documented incidents of harassment, graffiti, noise disturbances, and obstruction of vehicular traffic to residences and places of business, and multiple lawsuits and claims have been filed against the City by residents and businesses impacted by the activities in this area.
- Significant damage has been caused by those remaining unlawfully in the area to City property, including Cal Anderson Park and the East Precinct facility. The full extent of damage to the East Precinct remains an open question until city employees are allowed access to the site in order to make that assessment.
- Open fires and vehicles on the reservoir are placing important regional water infrastructure located within Cal Anderson at risk.
- An alarming recent rise in COVID-19 numbers across the region, coupled with a lack of social distancing in this area, and the daily attraction to this area of outside individuals place the neighborhood at opening businesses at increased risk for outbreaks.
- A pervasive presence of firearms and other weapons has been well-documented.
- Ongoing violations of the Seattle Parks and Recreation's Code of Conduct have been observed, including camping and parking in the park, conduct that unreasonably deprives others of the use of parks, disrupting Seattle Parks and Recreation business, dumping trash and/or creating unsanitary conditions or health hazards that violate public health rules; behaviors that impede restroom use; urinating or defecating, except in designated restroom fixtures, blocking entrances, exits, fire exits, disabled access areas, public walkways; conduct that creates an unreasonable and substantial risk of harm to any person or property; and abusive and harassing behavior; and

WHEREAS, significant property damage has been attempted on the East Precinct, to include arson, and the extent of damage has not been fully assessed due to lack of access to the building; and

WHEREAS, SPD has observed and is aware of credible threats against other City infrastructure, to include the West Precinct, which houses city-wide 911 communications services; and

WHEREAS, the City, recognizing the pivotal momentum and opportunities for social justice and public safety reforms that events following the murder of George Floyd has generated, has attempted in good faith to engage protestors in productive dialogue; and

WHEREAS, the City remains committed to re-imagining policing and making significant investments into the community and continuing outreach, engagement, and opportunity for community input in re-examining the role of police and the reform of social services; and

WHEREAS, since 12:00 pm on June 30, Cal Anderson Park has been closed pursuant to an emergency rule closing the park to address life safety and property issues; and

Executive Order 2020-08 (Directive on Cal Anderson Park Area)
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June 30, 2020

WHEREAS, while thousands of peaceful people have travelled to the area, police and city employees have encountered hostile and armed individuals in this area who have indicated by their actions and words their intent to resist government intervention with physical violence that have caused concern for the safety of the legal residents and city employee safety if current circumstances persist; and

WHEREAS, based on the known ongoing criminal activity in and around the Cal Anderson Park Area, it is anticipated that there will be exigent circumstances that require immediate action by SPD to protect and preserve public safety and welfare.

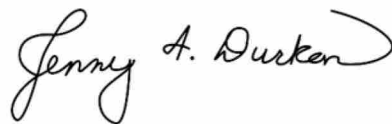
NOW, THEREFORE, I, Jenny A. Durkan, Mayor of Seattle, hereby directs all City departments to work in coordination to respond to the observed and reported exigent life safety, public health, and property issues in and around Cal Anderson Park Area, which is defined as the areas bounded by Broadway (west) and 13th Ave E. (east) and E Denny Way (north) and E. Pike St. (south).

1. Effective at 12:00 pm noon on June 30, 2020, Cal Anderson Park was closed. At 2:00 am on July 1, 2020, the entirety of the Cal Anderson Park Area shall be closed to the public to restore public safety, open roadways, remove obstructions to roadways and public rights of way, and to accomplish full closure and restoration/cleaning of Cal Anderson Park. All departments shall coordinate as follows to accomplish this work.
2. All persons who are unlawfully occupying Cal Anderson Park area who are in public rights of way or the park shall be directed to leave the closed area immediately.
3. The Seattle Police Department shall enforce this closure and provide dispersal orders for anyone refusing to vacate the area immediately. Persons who refuse or intentionally fail to obey this closure order to move and disperse from the area will be subject to arrest.
4. Any use of force shall be consistent with SPD policy and the terms of the Preliminary Injunction issued in *Black Lives Matter v. City of Seattle*, No. 20-CV-887.
5. In coordination with Seattle Parks and Recreation and the Human Services Department, as necessary SPD officers shall in their discretion remove or arrest individuals who are trespassing in the Cal Anderson Park Area in violation of the parks closure and who refuse to leave, including exigent arrests of individuals who may be occupying a tent or other obstruction or created structure in a public right of way, or in the Cal Anderson Park Area.
6. All reasonable efforts will be made by the city departments to assist individuals in accessing necessary services, shelter, or transportation and in packing and/or storing any personal property, including tents. The City shall take reasonable steps to separate personal property from material that is not personal property, provided the segregation does not pose a danger to the individual segregating the personal property from the other material.
7. Due to the safety risks and ongoing threats to City buildings, SPD is authorized to maintain a reasonable security buffer around the East Precinct and control entry into those areas in order to limit any obstructions to access.

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8. SDOT is directed to remove all barriers and obstructions that impede foot traffic or vehicular traffic in the Cal Anderson Park area, and to maintain open sidewalks and streets going forward.
9. Seattle Park and Recreation is directed to begin cleaning, remediation and restoration of Cal Anderson Park.
10. Seattle Public Utilities is directed to inspect and secure all water facilities, and to end any temporary utility service modifications to the area;
11. Seattle Public Utilities, together with Finance and Administrative Services, Office of Economic Development and other Departments as needed shall work with the community to ameliorate all graffiti and property damage;
12. City Light shall be called to inspect any power issues identified during the operation;
13. Department of Human Services is directed to continue providing social services outreach and engagement along with referrals for shelter, behavioral health, and other supports for individuals in need;
14. Seattle Parks and Recreation shall engage the community, businesses, residents and protest leaders to develop a parks plan to preserve the public art, create a community garden and other possible features like a conversation corner.
15. This Order shall be limited to ten days or until further notice, whichever comes first.
16. Inquiries regarding this Executive Order should be directed to Senior Deputy Mayor Mike Fong, Office of the Mayor.

Dated this 30th day of June, 2020.

A handwritten signature in black ink, reading "Jenny A. Durkan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jenny A. Durkan
Mayor of Seattle

Exhibit 8

Hunters Capital, LLC v. City of Seattle

30(b)(6) and Individual Deposition of Harold Scoggins

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)
Plaintiff,)
vs.) No. 20-cv-00983
CITY OF SEATTLE,)
Defendant.)

VIDEOTAPED VIDEOCONFERENCE 30(B)(6) AND INDIVIDUAL
DEPOSITION UPON ORAL EXAMINATION OF
CITY OF SEATTLE
(HAROLD SCOGGINS)

***PORTIONS OF THIS TESTIMONY ARE DESIGNATED
CONFIDENTIAL AND ARE SEALED
UNDER A SEPARATE COVER.***

Seattle, Washington
(All participants appeared via videoconference.)

DATE TAKEN: SEPTEMBER 14, 2021
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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Buell Realtime Reporting, LLC

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1 A. As far as I know, that's the full scope.

2 Q. Okay. All right. Great. I mean, I will ask
3 you about other things, but this is what you've been
4 designated for specifically as the representative of the
5 City.

6 So first I'd like to ask you about what
7 materials the fire department provided to protesters
8 during the -- during the CHOP time period that we'll
9 refer to as June 8th through July 10th, 2020.

10 What materials do you recall that the fire
11 department provided to protesters or the medics in the
12 CHOP zone area during that time period?

13 A. Sure. And just for a point of clarification.

14 Q. Sure.

15 A. I don't know for volunteer EMS personnel, I
16 don't know if they were medics, paramedics or EMTs --

17 Q. Okay.

18 A. -- or some other sort of medical professionals.
19 They were just identified as volunteer EMS.

20 Q. Okay.

21 A. So we provided fire extinguishers, stokes
22 baskets with wheels on it, and also canvas letter
23 carriers, for lack of a better term.

24 Q. So -- so fire extinguishers, what -- can you
25 describe to me the fire extinguishers.

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1 Park?

2 A. Correct.

3 Q. Okay. And why did the fire department provide
4 the fire extinguishers?

5 A. We were getting reports of small fires in the
6 park. It could have been a garbage fire or -- you know.
7 So we were getting those reports, and so when we talked
8 to them about it, they wanted to assist with problem
9 solving, and we knew it would be a bit of a challenge to
10 navigate through all the people to get to a small trash
11 fire.

12 Q. Okay. So it was so that they could put out
13 fires that had been started within the CHOP area that
14 the fire department was not going to be able to put out;
15 is that correct?

16 MR. FARMER: Objection. Objection.

17 Misquotes testimony.

18 BY MR. WEAVER:

19 Q. You can answer unless Mr. Farmer tells you you
20 can't. So --

21 A. Oh, okay. There were -- you know, we get
22 reports of fires every day, you know, sometimes they're
23 in encampment, sometimes they're in a trash can. It was
24 these types of fires. It wasn't, you know, building
25 fires or vehicle fires or anything like that.

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1 A. Sure. When you say -- well, I'm not sure --
2 when you say describe to you the fire extinguishers,
3 what exactly do you mean?

4 Q. Well, how many fire extinguishers? Were they
5 just standard, like, kitchen variety fire extinguishers?
6 What kind of fire extinguishers were they, and how many?

7 A. I don't know the exact number. There's
8 probably several, maybe around three or four. They were
9 at least, you know, 2A, 10BC type extinguishers that we
10 carry, you know, but the exact model number, I can't
11 speak to that.

12 Q. Okay. And who did you give those to
13 specifically, the fire department?

14 A. The volunteer EMS personnel.

15 Q. And so the volunteer EMS personnel, as I
16 understand it, those were people who were -- had a --
17 I'll call it an improvised medic station on -- was it
18 Pine? Is that -- is that correct? Is that who you were
19 referring to?

20 A. Yeah, I think it was at 10th and Pine, in the
21 parking lot of the Mexican restaurant. I think that's
22 where it was.

23 Q. Rancho Bravo Tacos?

24 A. Yes.

25 Q. Okay. Just across the street from Cal Anderson

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1 Q. Is it common practice for the Seattle Fire
2 Department to provide fire extinguishers to groups of
3 protesters to put out fires?

4 A. It's not a common practice, but it is a common
5 practice for events and -- and different things like
6 that, for us to help with supplies if they need them.
7 It's a common practice for the fire department to
8 provide fire and life safety for the entire city,
9 whether it's mount your fire extinguisher in your
10 apartment building or your business, or things -- things
11 like that, so that is a common practice for us.

12 Q. Okay. So these fire extinguishers were owned
13 by the City of Seattle; is that correct?

14 A. Yes.

15 Q. Okay. And can you think of another time that a
16 City of Seattle-owned fire extinguisher was given to a
17 group of protesters to put out fires in a park?

18 A. I can't.

19 Q. So you mentioned a -- and I'm just trying to
20 remember -- a basket -- did you say you also provided
21 a -- baskets?

22 A. Stokes. It's a Stokes basket.

23 Q. A Stokes basket. Okay. What is a Stokes
24 basket?

25 A. A Stokes basket is a tool that we use to

3 (Pages 9 to 12)

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- 1 package a patient if we need to transition them to a
 2 location where they can be received by our EMS
 3 personnel.
 4 **Q. And --**
 5 A. This particular basket had wheels on the side
 6 so you can roll it.
 7 **Q. Okay. So is that -- what's the difference**
 8 **between a Stokes basket and a stretcher?**
 9 A. A stretcher is -- goes in the back of our aid
 10 cars and medic units. It has mounting mechanisms. It's
 11 able to go up and down. It can, you know, have a lot
 12 more weight on it. So it's a tool that's used in all of
 13 our aid cars and medic units, and it locks in for
 14 transport.
 15 **Q. Okay. So the Stokes basket, again, it was**
 16 **owned by the City of Seattle; is that correct?**
 17 A. Yes.
 18 **Q. And trying to -- I'm trying to picture the**
 19 **Stokes basket. So is it -- is it -- is it big enough to**
 20 **lay somebody down on -- and then wheel them out of an**
 21 **area? Is that what we're talking about?**
 22 A. Yes.
 23 **Q. Okay. Is it the same or different from a**
 24 **MegaMover?**
 25 A. Different.

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- 1 it up when you're done, throw it in the compartment, you
 2 know, so -- am I helping there?
 3 **Q. That helps a lot. That helps a lot.**
 4 **Okay. Did you also provide -- did the fire**
 5 **department also provide MegaMovers to the protesters?**
 6 A. Yes.
 7 **Q. Okay. So how many Stokes baskets did the**
 8 **volunteer EMS people get from the fire department?**
 9 A. I think it was at least two. I'm not exactly
 10 sure on the number.
 11 **Q. And about how many MegaMovers?**
 12 A. It was probably at least two. I'm not exactly
 13 sure on the numbers.
 14 **Q. And why did the fire department give City-owned**
 15 **Stokes baskets and MegaMovers to the volunteer EMS**
 16 **people?**
 17 A. Well, our goal was to help facilitate patient
 18 care, and these would be tools that these volunteer EMS
 19 personnel could use to transport someone who was injured
 20 to a location where we could receive the patient.
 21 **Q. Okay. So is it fair to say that it was so that**
 22 **the -- the volunteer EMS people could move them to an**
 23 **area where the Seattle Fire Department felt comfortable**
 24 **receiving that patient?**
 25 A. Where it was safe for the Seattle Fire

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- 1 **Q. What's a MegaMover?**
 2 A. If you can imagine the -- you go to Home Depot
 3 and you see like a 4-by-4 canvas tarp, and it has -- but
 4 the MegaMover has -- MegaMover has a handle on each end.
 5 So four firefighters, one can -- they can grab each
 6 handle to move a person in a rapid manner, but you're
 7 carrying them physically.
 8 **Q. Okay. So the main difference is it doesn't**
 9 **have wheels? Is that the main difference --**
 10 A. No.
 11 **Q. -- between a MegaMover and a Stokes basket?**
 12 A. No.
 13 **Q. Okay.**
 14 A. No. A Stokes basket -- let's see. Let me see
 15 if I can help here. There was a rescue this past
 16 weekend, and they showed it on the news, and they
 17 hoisted the lady who was injured up in a basket to the
 18 helicopter and they rescued her off of a mountain trail
 19 where she were -- was injured.
 20 **Q. Okay.**
 21 A. So it's a -- it's a wire frame, it's
 22 structurally sound, it's used in rescues like that. So
 23 it's -- it's more stable, and it's -- and it's a framed
 24 basket.
 25 The MegaMover is more of a canvas -- you fold

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- 1 Department to receive the patient. It wasn't a matter
 2 of comfort. I think it was a matter of safety.
 3 **Q. Okay. So the fire department didn't feel safe**
 4 **bringing its own Stokes baskets and MegaMovers into the**
 5 **area where the volunteer EMS was during --**
 6 MR. FARMER: Objection. Vague.
 7 (Simultaneous cross-talk.)
 8 MR. WEAVER: -- in 2020; is that correct?
 9 MR. FARMER: Objection. Vague.
 10 You can answer, Chief.
 11 THE WITNESS: Oh, okay.
 12 A. Well, it depends. This was an area that
 13 evolved over the time period you just mentioned. So
 14 there were -- there were areas where the fire department
 15 needed to focus on safety of our personnel, and so
 16 that's why we gave them the tools to help facilitate the
 17 patient care.
 18 BY MR. WEAVER:
 19 **Q. Okay. Do you know when the fire department --**
 20 **what date the fire department gave the volunteer EMS**
 21 **people the Stokes baskets?**
 22 A. I don't remember the exact date.
 23 **Q. Okay. Was it early June, mid-June? Do you**
 24 **remember?**
 25 A. It was mid to late June.

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1 **Q. Okay.**

2 A. The items that have been mentioned, the fire
3 extinguishers, the MegaMovers, and the Stokes basket,
4 they weren't transitioned all on the same date. This
5 was an evolving situation, I think, as you know. So as
6 reports of fire calls came in, small trash fires and
7 things like that, then we met with them and we said,
8 hey, what can we do to reduce the number of fires. So
9 the fire extinguishers.

10 And then the second piece of equipment was the
11 MegaMovers.

12 And then the third -- these are all different
13 times, but along that 22-day period, that's when these
14 transitions took place.

15 **Q. Okay. So can you think of another instance in**
16 **which the City has provided Stokes baskets or MegaMovers**
17 **to a group of private individuals to move patients out**
18 **of an area?**

19 A. I -- I can't. The context becomes important.
20 We hadn't had another situation where we couldn't have
21 complete access to the scene. So that kind of played a
22 part in the decision making. So we hadn't been faced
23 with that scenario before.

24 **Q. Okay. Have you been faced with one since then?**

25 A. You mean like the CHOP last summer? No.

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1 **Q. Okay. Well, a situation where you -- you**
2 **provided MegaMovers or Stokes baskets to the -- to a**
3 **group of private individuals to move them out of the**
4 **area.**

5 A. We -- we hadn't been faced with one since then,
6 but on the fire extinguisher front, we have had
7 conversations over the last several years about
8 deploying fire extinguishers into the encampments so
9 the -- the large encampments, so individuals, if there
10 is a fire there, they can use them. Because we go on a
11 lot of those fires. So we have had similar type
12 discussions with a different layout, but not for the
13 MegaMovers or the Stokes baskets, but we have had
14 conversations for the fire extinguishers.

15 **Q. Okay. So you say you've had conversations.**
16 **Have you actually provided them, the Seattle Fire**
17 **Department, in those situations?**

18 A. We have not.

19 **Q. Okay.**

20 A. We have not.

21 **Q. Do you recall whether the City refilled the**
22 **fire extinguishers for the -- for the people who were**
23 **occupying the area in and around Cal Anderson Park?**

24 A. I don't.

25 **Q. Okay. I think you mentioned in the first --**

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1 **very early on, in addition to the fire extinguishers and**
2 **the Stokes baskets, was there a third thing that you**
3 **recall that was provided?**

4 A. It's the MegaMovers.

5 **Q. Oh, the MegaMovers. Okay.**

6 A. That's the canvas -- it's like a carryall to
7 move patients.

8 **Q. Okay. I'm going to drop another document into**
9 **the chat here hopefully. Bear with me. Lovely tech.**

10 A. No worries.

11 (Exhibit No. 2 marked.)

12 BY MR. WEAVER:

13 **Q. Yep. All right. Should be there.**

14 A. Yes. It's an email? Is that what you just
15 dropped in?

16 **Q. It's an email. Yes.**

17 **And who's Jon Ehrenfeld, if I pronounced that**
18 **correctly?**

19 A. Sure. He's -- Jon Ehrenfeld is our mobile
20 integrated health manager.

21 **Q. Okay. In this email to you and a couple other**
22 **people, he indicates that he talked to the people at the**
23 **medical tent, and that they asked for major trauma**
24 **supplies, such as chest seals, tourniquets, and a**
25 **stretcher.**

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1 **Do you see that, the bottom of the first full**
2 **paragraph, at the end of the first full paragraph?**

3 A. Yes, I do.

4 **Q. Do you know whether that request from the**
5 **volunteer EMS people was filled?**

6 A. I would take the assumption that it was filled.
7 I don't know that, but if Jon put that in an email, I
8 would -- I would think that he followed up.

9 (Exhibit No. 3 marked.)

10 BY MR. WEAVER:

11 **Q. Okay. Here's another document that I'd like to**
12 **mark. That one should -- just for the court reporter,**
13 **that one should be labeled Exhibit 3, but you can go**
14 **ahead and open that. That's another email. Let me know**
15 **when you have it up. Do you have it?**

16 A. Not yet.

17 MR. FARMER: We're working on it.

18 MR. WEAVER: Okay. All right. No problem.

19 MR. FARMER: Tyler, I'm sorry. Could you
20 drop it in the chat again?

21 MR. WEAVER: Yeah. Hold on here.

22 MR. FARMER: Thanks very much.

23 MR. WEAVER: And I will try to label it
24 correctly this time.

25 And is that 3, Cindy?

5 (Pages 17 to 20)

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1 Department policy for scenes of violence," it starts off
2 there?

3 **Q. Yes. Yes, and then the second sentence says,**
4 **"This is in place for scenes of violence and currently**
5 **for the CHOP area."**

6 **Do you understand that to mean that at least**
7 **what she was saying here is the CHOP area was a scene of**
8 **violence?**

9 A. I don't understand it to say that.

10 **Q. So what do you understand --**

11 A. This is -- well, it says, "This is in place for
12 scenes of violence and currently for the CHOP area for
13 the safety of our crews."

14 So "and for the CHOP area," she's identified
15 the geographical space. And the scenes of violence,
16 the -- is -- well, in the first sentence it talks about
17 "our Seattle Fire Department policy for scenes of
18 violence is to wait for law enforcement to secure the
19 scene before sending crews in to respond."

20 So it's relate -- the relationship is with an
21 incident. So we're going to an incident, we stage at a
22 location, wait for law enforcement, and then we're able
23 to access the incident.

24 But for the CHOP area, because it was a static
25 location for 22 days, we weren't always waiting for law

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1 enforcement because there weren't always incidents. So
2 scenes of violence is tied to an incident.

3 MR. WEAVER: Okay. I'm going to drop
4 another document into the chat, and I guess I have to
5 get out of it first. This is the PowerPoint, it's a
6 little bit large. It may take a minute. And we'll mark
7 this as Exhibit 5.

8 Okay. It's -- looks like it's uploaded. Let
9 me know when you have it.

10 (Exhibit No. 5 marked.)

11 THE WITNESS: It's loading. Okay. We have
12 it.

13 BY MR. WEAVER:

14 **Q. Okay. Do you recognize this document?**

15 A. I do.

16 **Q. Okay. Did you create it?**

17 A. I did.

18 **Q. And what was the -- why did you create this**
19 **document?**

20 A. To present lessons learned to our fire service
21 professionals.

22 **Q. Okay. So this particular presentation was**
23 **internal to the Seattle Fire Department; is that**
24 **correct?**

25 A. No. Well, no. I presented it to other fire

Page 35

1 service professionals.

2 **Q. Okay. So what -- which fire service**
3 **professionals?**

4 A. Let's see. Well, there's a -- do I need to
5 accept this license agreement here?

6 So for example, this presentation is the
7 National Homeland Security Conference. So that's fire
8 and law enforcement professionals.

9 **Q. Okay.**

10 A. And generally the way that works is, if there's
11 a challenging event the leader of the organization will
12 share the challenges so others can learn from them.

13 For example, I think we all remember the mass
14 shooting in Las Vegas a few years ago at the concert
15 there, where the gunman shot many people. We invited
16 the fire chief of that department to present lessons
17 learned so we can learn from those experiences.

18 So we share similar experiences so -- in case
19 any of our departments are placed in those situations,
20 hopefully we've learned something.

21 **Q. Okay. So I'd like you to turn to Slide 9.**

22 A. Okay.

23 **Q. Can you tell me what this slide depicts?**

24 A. Sure. It has the red, or the hot zone, and it
25 has the yellow zone. It has our response makeup for

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1 different types of BLS, ALS, and fire calls. SPD --
2 protest response zone, SPD to secure the area, SPD to
3 escort SFD. So it's a -- it's a quick overview of how
4 we would respond in and around this area.

5 **Q. Okay. So is this what we were talking about**
6 **before, this is the actual depiction on a map of the**
7 **yellow or warm zone, and the red or hot zone?**

8 A. Yes.

9 **Q. And this was as of June 8th; is that correct?**

10 A. Yes.

11 **Q. Okay. So what was the process by -- by which**
12 **it was determined that this should be the warm and hot**
13 **zone for this particular event?**

14 A. Sure. There were physical barriers preventing
15 access and egress in and around the red zone.

16 **Q. Okay. And how about the -- how about the size**
17 **and boundary of the yellow zone?**

18 A. I think what our team put together was an area
19 that made sense, where responding to any call in the
20 yellow zone we need to have situational awareness
21 because of the activities in the red zone.

22 **Q. Okay. So I mean, that area depicted on this**
23 **map is bounded by Denny, Union, Broadway, and 13th; is**
24 **that correct?**

25 A. Yes.

9 (Pages 33 to 36)

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- 1 Q. And on the left part of this slide, it
 2 designates that area as the protest response zone; is
 3 that correct?
 4 A. Yes.
 5 Q. Okay. And so on June 8th, within that area, is
 6 this slide indicating that anywhere in that area, that
 7 the SPD had -- that the SFD had to wait for the Seattle
 8 Police Department to secure the area before they would
 9 enter?
 10 A. Anywhere in the red zone.
 11 Q. Okay. That didn't include the yellow area; is
 12 that correct?
 13 A. It did not.
 14 Q. Okay. I understand this slide as defining the
 15 protest response zone as the yellow area.
 16 Do you feel -- do you feel otherwise?
 17 A. I do. The yellow identifies the warm zone.
 18 The protest response zone is the red, and it's written
 19 in there, "protest hot zone."
 20 Q. Okay. I'd like you to look at the left where
 21 it says "Protest response zone," colon, and then it has,
 22 Denny, Union, Broadway, and 13th.
 23 Do you see that?
 24 A. Yes.
 25 Q. Okay. I understand that as indicating that the

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- 1 protest response zone was that area, Denny, Union,
 2 Broadway, and 13th.
 3 Do you have a different understanding?
 4 A. I do. That's our warm zone, and this gave our
 5 folks situational awareness for this protest hot zone.
 6 And so here's some of the challenges, for example, and
 7 reason why we have to lay this out a little wider. Just
 8 navigating around that area in our vehicles are very
 9 challenging just when you look at the red zone that's
 10 outlined there. So all of our folks need to have
 11 situational awareness for a larger area.
 12 Q. Okay. And that larger area was Denny, Union,
 13 Broadway, and 13th; is that right?
 14 A. Yes.
 15 Q. And why -- why do they need to have additional
 16 situation -- why do they need to have additional
 17 situational awareness within that area?
 18 A. Because one never knows what spills outside of
 19 the hot zone. So our folks need to really be paying
 20 attention. This was on June 8th, so this is the first
 21 day that the landscape kind of changed for us. So our
 22 folks needed to have situational awareness because you
 23 never know what you're going to, you know, come upon in
 24 any of these streets around -- around there.
 25 Q. It potentially could be unsafe within that --

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- 1 that area -- within the -- within the yellow area for
 2 the fire department to respond; correct?
 3 A. It could be. Just like any other warm zone
 4 that we would set up geographical boundaries for, yes.
 5 Q. Okay. And so was it within that sit- -- within
 6 that yellow zone you had modified -- the City modified
 7 its response for basic life support and advanced life
 8 support. I can ask it different -- I can ask that
 9 question differently if it -- if it would be clearer for
 10 you, which -- let's just re-ask it.
 11 So is it the case that within that yellow area,
 12 the entire yellow area, bounded by Denny, Union,
 13 Broadway and 13th, the Seattle Fire Department had a
 14 modified response for basic life support and advanced
 15 life support on June 8, 2020?
 16 A. Yes.
 17 Q. Okay. And as indicated on -- and you spoke a
 18 little bit about this earlier, but so for basic life
 19 support it required one aid car, one engine, and one
 20 battalion chief to respond to that; is that correct?
 21 A. Yes.
 22 Q. Okay. What's -- what's an aid car?
 23 A. An aid car is two firefighter EMTs on an
 24 ambulance, basically. Our terminology is to call it an
 25 aid car so we can differentiate between an aid car and a

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- 1 medic unit, which is two firefighter paramedics in an
 2 ambulance.
 3 Q. Okay.
 4 A. So the level of training is different.
 5 Q. Okay. And a battalion chief, can you -- can
 6 you kind of describe to me where in the hierarchy a
 7 battalion chief sits?
 8 A. A battalion chief is the first level of fire
 9 management. The rank structure in the organization,
 10 from battalion chief it goes up to deputy chief, then
 11 transitions to assistant chief, and then to fire chief.
 12 The rank and file, the labor side, is firefighter -- we
 13 have firefighter drivers, we have all of our technical
 14 teams, we have lieutenants, and we have captains. So
 15 battalion chief is above the captain level.
 16 So in the city, we have the city broken up into
 17 five geographical boundaries, and each geographical
 18 boundary has a battalion chief that's in charge of
 19 between six and eight fire stations, so they're
 20 basically the manager in charge of that geographical
 21 boundary.
 22 Q. Okay. So how many battalion chiefs are there
 23 in the city of Seattle?
 24 A. Let's see. I believe 24.
 25 Q. Okay.

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1 A. Maybe -- well, we just added another one to
2 training, so --

3 **Q. How many were there in -- how many were there**
4 **in June 2020? Twenty-four?**

5 A. I believe 24. Let me -- let me think through
6 this. No, 20.

7 **Q. Okay. Twenty.**

8 **So -- and that would be -- you would have a**
9 **battalion chief -- would there be a battalion chief for**
10 **each shift, so you would have somebody on a day shift**
11 **and then a night shift, for example?**

12 A. No. We work -- we work 24-hour shifts.

13 **Q. Okay.**

14 A. So the crews that came on this morning at 8:00,
15 they get off tomorrow morning at 8:00. So we have five
16 battalion chiefs on duty each day, and we have four
17 different platoons. We have A, B, C, and D. So each
18 day we come on we have five battalion chiefs.

19 Now, we have a deputy chief that's a 24-hour
20 platoon duty also, and the deputy chief is our on-duty
21 citywide commander. So we have big fires that break
22 out, and the deputy chief takes over as the citywide
23 commander.

24 **Q. Okay. So at any given time during June 2020,**
25 **would there have been five battalion chiefs available in**

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1 most of June 2020, because the protests from May 30th up
2 to June 8th, they happened, and then they kind of stood
3 down, you know, the crowds dissipated. And then we
4 stand our resources down. So that's how it normally
5 works. But June 8th, we maintained, I believe, a higher
6 level of staffing for the balance of the month. And I
7 can follow up there to be sure.

8 **Q. Okay. Do you know how many battalion chiefs**
9 **were on duty during that staffed-up period in June of**
10 **2020, at any given time?**

11 A. For field operations I believe we staffed up
12 one additional battalion chief.

13 **Q. Okay.**

14 A. So there's five -- like on duty today, for
15 example, there's five on duty today.

16 **Q. Sure.**

17 A. During this period I believe we staffed up one
18 additional one.

19 **Q. Okay. What is the difference between basic**
20 **life support and advanced life support?**

21 A. Sure. So basic life support is for minor
22 medical emergencies that may require a transport to an
23 emergency room. You broke your leg, maybe your stomach
24 hurts, or maybe your back went out. Maybe you have a
25 laceration, but it's -- it hasn't hit any arteries or

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1 **the City of Seattle --**

2 A. Yes.

3 **Q. -- to respond to a basic life event in CHOP?**

4 A. Well, I have to clarify a little bit. On a
5 normal BLS call, a battalion chief doesn't respond.

6 **Q. Sure.**

7 A. So I'm just -- you asked if --

8 **Q. Okay.**

9 A. -- any time during June 2020 would there have
10 been a battalion chief on duty to respond in the city of
11 Seattle.

12 **Q. Well, my question is -- we'll get to how things**
13 **were different in a minute, but I appreciate that.**

14 A. Okay. I got it.

15 **Q. So it's the case that for any -- for any period**
16 **during June -- on June 8, 2020, there were -- there were**
17 **only five battalion chiefs working in the city of**
18 **Seattle?**

19 A. That -- that's not correct. We staffed up.
20 Just like we do for large protests and events. That's
21 what I was talking about, the staffing up additional
22 resources.

23 **Q. So what -- and was that done for the entire**
24 **month of June 2020, the staffing up?**

25 A. I would have to follow up, but it was done for

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1 anything like that.

2 Advanced life support will require higher level
3 of medical intervention, and those are the ones that our
4 paramedics respond to. They're able to intubate a
5 patient, they're able to push drugs. Their training is
6 a lot more intense. They -- a person having a stroke, a
7 person having a seizure, a cardiac arrest, those are
8 higher medical emergencies.

9 **Q. Okay. So for basic life support, what is the**
10 **normal response to a person who's needing basic life**
11 **support?**

12 A. Well, that's a -- that's a pretty loaded
13 question. We have a lot of levels. We have what we
14 call emergency medical dispatching protocols. So
15 depending on what the caller says on the phone, we try
16 to fit the right response to go and seek help -- seek to
17 help that person. It could be anything from a single
18 aid car, alone, with no engine. It can be an aid car
19 and an engine. Or it could be a direct transfer of that
20 call as a pass-through to AMR, and AMR will send two of
21 their EMTs because it's a really lower level call based
22 on our protocols.

23 What the difference on the response piece is,
24 you don't normally get a battalion chief on a BLS call
25 because that is -- that's one of the biggest differences

11 (Pages 41 to 44)

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1 there.

2 **Q. So you're talking about the difference between**
 3 **typical protocol and what the protocol was for this**
 4 **yellow zone on Slide 10 of Exhibit 5 -- or Slide 9 of**
 5 **Exhibit 5, sorry.**

6 A. Correct.

7 **Q. Okay. And it was all basic life support within**
 8 **that area on July 8th that required an aid car, engine,**
 9 **and a battalion chief; is that correct?**

10 A. That is correct.

11 **Q. Okay. And then for advanced life support**
 12 **within the yellow area on June 8th, required an aid car,**
 13 **a medic, an engine, and a battalion chief; is that**
 14 **correct?**

15 A. That's correct.

16 **Q. Okay. And this has the addition of a medic for**
 17 **advanced life support. What -- what is a medic, and do**
 18 **they have their own vehicle?**

19 A. Yes. Our paramedics, that's the higher level
 20 of EMS training that I spoke to earlier, and they do
 21 have their own vehicle. It's an ambulance with two
 22 paramedics inside.

23 **Q. And how was the -- how was the response**
 24 **different for the area within the yellow zone, as**
 25 **opposed to other areas of Seattle on that same day for**

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1 **June 8th, for example, was -- would not respond to an**
 2 **advanced life support situation even with the -- the --**
 3 **the addition of a battalion chief, if they were**
 4 **responding to an advanced life support situation?**

5 MR. FARMER: Objection. Incomplete
 6 hypothetical.

7 You may answer.

8 THE WITNESS: Sure.

9 A. So in the area between Olive and Pike and 13th
 10 and 11th, for example, that would be a response inside
 11 of that red zone that we would rendezvous or meet up
 12 with SPD, and we would need an escort. But any of those
 13 other areas in the yellow area, the warm zone, our units
 14 could respond to on June 8th.

15 BY MR. WEAVER:

16 **Q. Okay. So I think that's all the questions I've**
 17 **got on this slide. We've been going about an hour. I'm**
 18 **happy to keep going, but I want to ask whether you want**
 19 **a break, or whether you want to keep pushing through.**
 20 **It's up to you.**

21 A. It's up to the team. Do we need a break?

22 MR. FARMER: Keep going.

23 THE WITNESS: Okay. Let's keep -- let's
 24 keep going.
 25 ///

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1 **an advanced life support situation?**

2 A. Sure. So outside of this area that we're
 3 talking about, if a person was having a cardiac arrest,
 4 that would be a defined set of units to go and help that
 5 person because that's an ALS call. If a person is
 6 having a stroke -- you wouldn't have a battalion chief
 7 tied to a medic -- an ALS call. That is one of the --
 8 the biggest differences in all of these protocols right
 9 here, is the battalion chief, and having a manager,
 10 having a chief on scene who's paying attention to
 11 situational awareness and can immediately call for
 12 additional resources if they were needed.

13 **Q. And it's the case that even within this yellow**
 14 **zone there were certain areas where there might be, for**
 15 **example, somebody having a heart attack, where the --**
 16 **the fire department would not even send the enhanced**
 17 **team to respond; is that correct?**

18 MR. FARMER: Objection. Vague and assumes
 19 facts not in evidence.

20 A. So --

21 BY MR. WEAVER:

22 **Q. Let me ask -- let me ask another -- I can tell**
 23 **I confused you.**

24 **So within this area, within the yellow area,**
 25 **were there some areas where the fire department on**

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1 BY MR. WEAVER:

2 **Q. All right. So I'd like to take you now to**
 3 **the -- to Slide 11.**

4 A. Okay.

5 **Q. Okay. And this looks to be depicted as the --**
 6 **the map that existed on June 12, 2020; is that correct?**

7 A. I think that's -- yes, that's the date on the
 8 slide, yes.

9 **Q. Okay. Do you know whether June 12th was the**
 10 **date that barriers changed, or why -- why is this map**
 11 **different from June 8th? Let me ask that.**

12 A. I don't know the exact date that the
 13 geographical boundaries changed, but this map reflects
 14 change.

15 **Q. Okay. One of the changes it reflects is that**
 16 **the red area has increased in geographical size; is that**
 17 **correct?**

18 A. Yes.

19 **Q. Why was the red area increasing in size?**

20 A. Because the physical barriers around the
 21 perimeters had been pushed out.

22 **Q. Okay. What do you mean by "physical barriers"?**

23 A. The barriers that were being used by those
 24 occupying this area, meaning dumpsters, metal bike
 25 racks, water barriers, vehicles, had been pushed out to

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1 a further perimeter. So when the landscape changed we
 2 often modify our -- our maps. If we had a wildfire
 3 today and it started in one area, but it -- it's quickly
 4 moving towards another, we quickly modify those maps to
 5 give our people situational awareness.

6 **Q. Okay. Now, one thing that didn't change**
 7 **between July 8th and July -- or sorry -- June 8th and**
 8 **June 12, 2020, was the boundaries of the warm area; is**
 9 **that correct?**

10 A. That is correct.

11 **Q. Okay. That still remained Denny to Union and**
 12 **Broadway to 13th; correct?**

13 A. Yes.

14 **Q. Okay. This also depicts on here where the --**
 15 **where Fire Station 25 is; correct?**

16 A. Yes.

17 **Q. And that's at about 13th and Pine?**

18 A. Yes.

19 **Q. And do you recall anyone referring to the area**
 20 **within the area that was within this yellow area, but**
 21 **not within the red area, as a grab-and-go zone?**

22 A. An area within the yellow, but not within the
 23 red?

24 **Q. Yes.**

25 A. I don't recall that exact terminology, but it

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1 them, get them on the -- on the gurney, get them in the
 2 back and get them en route to the hospital because of
 3 the type of injuries. So it could be.

4 MR. WEAVER: So I've dropped a document into
 5 the chat as Exhibit 6. Let me know when you have it up.
 6 (Exhibit No. 6 marked.)

7 THE WITNESS: Okay.

8 BY MR. WEAVER:

9 **Q. What is this -- what is this document?**

10 A. Well, it looks like an email from Bryan
 11 Hastings, who is our assistant chief of operations.
 12 He's in charge of all of our field personnel on all four
 13 platoons. And this document is Just in Time Training
 14 Package 14.

15 **Q. Okay. So was this the sort of document that**
 16 **would be sent out to the entire fire department for**
 17 **their information?**

18 A. It could be. It looks like it was sent to a
 19 particular group, but yes, it could be.

20 **Q. Okay. So a lot of this has -- a lot of this**
 21 **particular document has to do with COVID, but I'd like**
 22 **you to turn to -- it's the third page of the document.**
 23 **It says in the upper right-hand corner, "Page 2 of 9."**

24 A. Okay.

25 **Q. Okay. I'd like you to -- the area -- the first**

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1 may have been used.

2 **Q. Let me -- I'm looking for something. Hold on**
 3 **here. All right. While I'm dropping this into the**
 4 **chat, does the fire department ever use the term**
 5 **grab-and-go to describe an area?**

6 A. I'm -- I'm sure we -- I'm sure we do.

7 **Q. What would you understand "grab-and-go" to**
 8 **mean?**

9 A. That would be a place where we can receive a
 10 patient, get them inside of one of our units, and either
 11 go to another location to do an assessment, or go
 12 directly to the hospital.

13 **Q. Okay. And is that generally done because the**
 14 **area that's called the grab-and-go area is not**
 15 **considered safe for medics to stay and treat the person?**

16 A. It --

17 MR. FARMER: Objection. Argumentative.

18 You can answer.

19 THE WITNESS: Sure.

20 A. It could be.

21 BY MR. WEAVER:

22 **Q. Okay.**

23 A. And, you know, another example would be if we
 24 had a traumatic vehicle accident, that may be a patient
 25 that soon as we got them extricated we want to grab

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1 **section of this page is called Department Updates, do**
 2 **you see that? And it starts, "The area around the east**
 3 **precinct."**

4 A. I do.

5 **Q. And it indicates in the area of Union to Denny**
 6 **and 13th to Broadway, "In the yellow zone, 'grab-and-go'**
 7 **with patients and limit firefighting to extinguishment**
 8 **only," if you look at the third paragraph down there, or**
 9 **the third line at the bottom.**

10 A. Third line at the -- you're talking about the
 11 first paragraph.

12 **Q. In the yellow -- just if you could look at**
 13 **No. 3.**

14 A. Oh, I got you.

15 **Q. Do you see that?**

16 A. "In the yellow zone 'grab-and-go' with
 17 patients, and limit firefighting to extinguishment
 18 only." Yes, I see that.

19 **Q. So am I correct that your understanding of the**
 20 **grab-and-go in this case is to get the patient, if**
 21 **possible, move them out of the yellow or warm zone area;**
 22 **is that correct?**

23 MR. FARMER: Objection. Vague.

24 A. That's the way this reads, yes. And this is
 25 the situational awareness piece again. So that's what

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1 assistant chief of operations would get all the on duty
2 chiefs and captains, and they would do conference calls
3 twice a day to make sure everyone had situational
4 awareness with the planning. But everyone also
5 understood that these were very dynamic situations and
6 they would shift based on the information that came in
7 through the dispatch center.

8 **Q. Okay. So it was changing maybe day to day, or**
9 **twice a day, as far as what the exact parameters and**
10 **policies were; is that correct?**

11 A. Well, I don't know if it was actually changing
12 hourly or day to day, but we were doing our best to keep
13 our folks informed with the current situational
14 awareness.

15 **Q. Okay.**

16 A. But -- but it's -- and I'll keep saying this.
17 It's important for us to mention that the dynamics and
18 the situation changed based on the information the
19 callers provided us. So we -- we -- we have a great
20 plan, and we think it's the best plan, but if the caller
21 calls us and tells us, they're on the far east side of
22 our plan and it doesn't make sense to go to the casualty
23 collection point, then we adjust the plan.

24 **Q. Okay. So if you go to the -- to the third page**
25 **of this Exhibit 7, I think this demonstrates what you**

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1 **were talking about earlier, which is that the red zone**
2 **continued to grow through the -- the time of the --**
3 **during the time of July 8th -- or sorry -- June 2020; is**
4 **that correct?**

5 A. Yes. Yes.

6 **Q. Okay. All right.**

7 A. It continued to grow.

8 **Q. Yeah. So -- so there's two gray shaded --**
9 **different gray shaded areas here. Is the darker gray**
10 **area where as of June 30, 2020, it would have been the**
11 **red or hot zone?**

12 A. Let's see here. There's not a -- let me look
13 for a date here. But I think that's what it represents
14 because this email is based on the June 30th date.
15 So -- and the map, I guess they'd have to shift it, but
16 you can see 13th Avenue, for example. The red now goes
17 all the way up to 13th and all the way over to Olive,
18 and then all the way over to Pike. But it also comes
19 down Pine all the way to Broadway.

20 **Q. Sure.**

21 A. And then over to Pike. And then you can see
22 Cal Anderson Park pretty much goes all the way over to
23 Denny, and that's because that whole area was occupied
24 on June 30th.

25 **Q. Okay.**

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1 A. So that's how much it grew.

2 **Q. Okay. So -- and then the -- it looks that the**
3 **complete area of both the warm zone and the hot zone is**
4 **still Denny to Union and Broadway to 13th; is that**
5 **correct?**

6 A. Correct.

7 **Q. Do you know if those boundaries changed at all**
8 **for the yellow or warm zone area during the period of**
9 **June 8th to June 30, 2020?**

10 A. I don't think they did. Based on the maps, I
11 don't think they did. But -- yeah, I don't think they
12 did.

13 **Q. Okay. Okay. So if you scroll down to the**
14 **bottom, and again, this -- this -- you know, the -- the**
15 **justification -- or the -- you know, it would be better**
16 **if we could turn this clockwise, but at the bottom**
17 **there's a staging -- at the bottom of this page there's**
18 **a staging -- it says "Staging," and then it has the logo**
19 **for the SFD.**

20 **Do you see that?**

21 A. Well, I can rotate -- I can rotate it. Are you
22 okay if I do that.

23 **Q. You can rotate it if you want. I'm not going**
24 **to rotate mine, but if it's easier for you to look at**
25 **it, go ahead and rotate it.**

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1 A. Right. Yes, I see the staging area, yes.

2 **Q. Okay. What's the staging area?**

3 A. That's where our units would stage on the
4 western end of this area. So we get a call to the CHOP,
5 or to this area, and -- and that's where our units that
6 were coming from west to east, that would be their
7 staging area. Now, generally, Fire Station 25, which is
8 at 13th and Pine, they would basically pull out on their
9 ramp on the -- on the -- on the ramp of the station and
10 sit in their equipment and then wait for additional
11 information. So we had units on the east side at Fire
12 Station 25, and we had units on the west side at the
13 staging area.

14 **Q. Okay. So would the fire department stage at**
15 **one of those two areas for any call within the yellow or**
16 **red areas?**

17 A. Any call within the red area.

18 **Q. The staging was not for the yellow --**

19 A. Not for the warm zone.

20 **Q. Okay. All right.**

21 A. And context is important here, and -- and so
22 maybe I'll provide a little bit. So the date of this
23 communication is June 30th.

24 **Q. Uh-huh.**

25 A. So earlier on our units were staged a lot

15 (Pages 57 to 60)

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1 closer, but because of the aggressiveness of the
2 protesters, that's why we backed our units that were
3 staging further out. That's why we did that. But
4 earlier on we were -- because the red zone wasn't as big
5 either, so we were closer to the edges. So that's the
6 dynamic of this changing environment that we were
7 facing.

8 **Q. Okay. At some point do you recall whether**
9 **there was a staging area at 15th and Madison?**

10 A. 15th and --

11 **Q. Which would not be on this --**

12 A. Yes, I think that's the church. Is that First
13 AME Church's parking lot?

14 **Q. I honestly have not gone and looked and seen**
15 **what exactly is at 15th and Madison, but --**

16 A. Yeah, well, I -- so this is coming back to me,
17 so I'm going to do my best. But as we backed out this
18 staging area, I think we pushed out the staging area on
19 the east side on Fire Station 25. I think that's when
20 we started sending them to the parking lot at 15th and
21 Madison. I think it's First AME Church right there, and
22 the back parking lot right there is the -- was the area
23 we were actually staging in by the end of this.

24 **Q. Okay. And so the reason that you were staging**
25 **out further was that if you were too close in, the**

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1 (Exhibit No. 8 marked.)

2 BY MR. WEAVER:

3 **Q. Let me know when you have it.**

4 A. Uh-huh. It's up.

5 **Q. Okay. So what do you understand this page to**
6 **be?**

7 A. It looks like the details from one of our
8 incident reports, Incident 58386 in 2020, on June 14th.

9 **Q. Okay. And where do you understand that this**
10 **incident report would have been printed from? Is there**
11 **a particular database that it might have come from?**

12 A. This probably came from our CAD system,
13 computer-automated dispatch center system.

14 **Q. Okay. So I want you to look at the initial and**
15 **final location, up near the top, on the left.**

16 A. 1221 East Olive Street, Apartment 203. And
17 final location, Senia -- 12 --

18 **Q. The initial is the same as the final.**

19 A. Oh, okay.

20 **Q. So the -- do you recall whether 1221 Olive**
21 **Street was in the yellow area or the red area, or was**
22 **outside both?**

23 A. You know, it's probably right on the fringes
24 because 12th and Olive, there on that -- let's see. On
25 the eastern side, southeast corner, there's a pretty

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1 **people within the red or warm area could -- could see**
2 **the fire department; is that correct?**

3 A. Not just see. Because Fire Station 25 was on
4 the edge --

5 **Q. Sure.**

6 A. -- throughout the entire situation. But the
7 aggressiveness became more when there was a -- an
8 incident unfolding.

9 **Q. Okay. And you wanted to -- the fire department**
10 **wanted to reduce the possibility that there was going to**
11 **be conflict between the fire department and the people**
12 **inside the warm and red -- warm and hot areas; is that**
13 **correct?**

14 A. We wanted to get our people to a safe area
15 where they can stage until we got information from PD
16 that the scene was secure for us to go in. So we made
17 adjustments as -- as the days went on here.

18 **Q. Okay.**

19 A. It was all about safety.

20 **Q. I'm sorry; what?**

21 A. It was all about safety.

22 MR. WEAVER: Okay. Are we on Exhibit 8?

23 THE COURT REPORTER: Yes.

24 MR. WEAVER: Okay. So I've dropped this one
25 into the chat.

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1 large residential -- I don't know if it's apartments or
2 condos. And then across the street there are also
3 units. But it's right on the fringes, is what I think.
4 I'm not 100 percent sure unless I looked at a map.

5 **Q. So I'd like you to go down to the dispatcher**
6 **comments. And would these be comments that were**
7 **transcribed by the 911 dispatcher, to your knowledge?**
8 **Is that typically where these come from?**

9 A. Yes, that's where this would come from.

10 **Q. Am I reading this correctly, that there was an**
11 **adult male with stroke symptoms that was calling to**
12 **report that their arm was numb?**

13 A. That's -- yes. Uh-huh.

14 **Q. Okay. And No. 4 seems to indicate that the**
15 **dispatcher believed it was in the red zone. Is that**
16 **your understanding as well?**

17 A. That's what it says right there.

18 **Q. And -- well, first of all, let me -- how far is**
19 **1221 Olive from the -- from Fire Station 25?**

20 A. It's -- so Fire Station 25's on 13th and Pine.
21 So if you went one block north and one block west,
22 you're at 12th and Olive.

23 **Q. Okay. And it seems to indicate here that the**
24 **patient was told or indicated that they would try to**
25 **walk to Station 25; is that correct? Is that what you**

16 (Pages 61 to 64)

Page 65

1 read this to say?

2 A. Let's see. "In red zone. Patient to try to
3 walk to Station 25 or get a ride in about a half hour."
4 That's what it says.

5 Q. So if the dispatcher was correct and this was
6 in the red zone, would the Seattle Fire Department on
7 June 14, 2020, have responded to this call on -- on 12th
8 and Olive?

9 A. I -- I guess it would depend on situational
10 awareness, but it looks like the dispatcher gave the
11 caller instructions, and by reading this, it seems to be
12 the patient was alert and oriented times four. They
13 were able to communicate that they had arm numbness, so
14 this is a snapshot of the call, but it looks like there
15 was a conversation taking place.

16 Q. Okay. So if the caller was in the red zone,
17 and if the caller was having -- had had a recent stroke
18 and had a right -- had a right arm that was numb, and
19 the dispatcher told the person to walk outside the red
20 zone to Station 25, would that have been consistent with
21 the policies that were in place on June 14, 2020?

22 MR. FARMER: Objection. Vague, and assumes
23 facts not in evidence.

24 A. Yeah, and I'm just taking an assumption that
25 the dispatcher was trying to provide as much information

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1 to the caller as possible to get them help. And here's
2 an example: Many times we'll get a 911 call from a
3 person, whether it's an encampment or in an apartment
4 building, and based on what the caller says, our
5 dispatcher may say, "Well, can you go out to the street
6 and meet our folks when -- when -- so when they arrive
7 on scene they will see you," or things like that. So
8 that's not uncommon for our dispatchers to try to give
9 instructions to the person based on the conversation
10 they're having.

11 BY MR. WEAVER:

12 Q. On June 14, 2020, was it the policy of the fire
13 department to have people who were inside the red zone
14 walk outside the red zone before they could get
15 treatment from the fire department?

16 A. Well, it looks like that this was the
17 instructions that we were given, that we gave a caller.
18 I wouldn't say it was our policy. Our dispatcher was
19 trying to facilitate care to the patient.

20 Q. Okay. So is it safe to say that it was --
21 there were a lot of changes going on in areas that were
22 being responded to and not over the period of June 8th
23 through June 30, 2020?

24 MR. FARMER: Object to the form of the
25 question.

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1 You may answer, Chief.

2 A. I -- I think it is safe to say that. The
3 landscape was changing, yes.
4 BY MR. WEAVER:

5 Q. Is it possible that a 911 dispatcher might have
6 been confused as to what the particular areas were for
7 the red zone and the yellow zone on a particular day?

8 MR. FARMER: Objection. Foundation.

9 A. I think I would be guessing if I gave that
10 answer. I know our dispatchers do an amazing job to try
11 to get people to a place where they can be received and
12 get the care they need, but whether they were unaware or
13 not, I can't -- I can't speak to that.

14 (Exhibit No. 9 marked.)

15 BY MR. WEAVER:

16 Q. Let me ask you about another issue here,
17 another document. While I'm asking, do you recall
18 something -- a business called Car Tender that had an
19 issue during -- on June 14, 2020?

20 A. What's the address, and what type of business?

21 Q. It was a car repair company. I believe it was
22 at 1706 12th, and there's a related document that I just
23 put into the chat.

24 A. Yes, I see the document.

25 Q. Okay. Do you recall the incident at Car Tender

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1 on July 14, 2020, or sorry, June 14, 2020?

2 A. The "Business Car Tender...area was broken into
3 last night...someone started a small fire and stole some
4 items."

5 Yes, I -- I remember this incident.

6 Q. Okay. What do you remember about it?

7 A. Basically there was a small fire, and I don't
8 remember the part about stole some items, but I went to
9 that location the next day or this day and talked to the
10 business owner myself.

11 Q. Okay. What do you recall about that
12 conversation?

13 A. I asked what happened, and they went over the
14 events that took place, and I think I asked our -- I may
15 have asked our investigators to go out and take a look
16 because I'm not sure if they did that night or that day,
17 whatever time this incident was. There's no incident
18 time in here.

19 Q. Well, my recollection -- and we will get to
20 this later. It's -- I'm not going to deal with it in
21 the 30(b)(6) portion, but it happened the night of
22 June 14, 2020. Okay?

23 So go up to the first -- so this -- this is an
24 email you sent, actually, that -- but if you go up to
25 the -- at the very top of the first page, do you recall

17 (Pages 65 to 68)

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1 writing this email?

2 A. Yes, I think I do. It's from me. Yes.

3 **Q. Okay. So you indicate that you looked up the**
 4 **address of Car Tender, and that it was outside the red**
 5 **zone.**

6 **Is that what this says?**

7 A. That's pretty much what it says.

8 **Q. And -- so outside the red zone, but inside the**
 9 **yellow zone, it was the policy that the -- that the fire**
 10 **department could go in without waiting for the police;**
 11 **is that correct, at this time?**

12 A. That is correct.

13 **Q. Okay. Were you surprised to find out that even**
 14 **though it was outside the red zone, that the Seattle**
 15 **Fire Department had not responded?**

16 A. Initially, I was.

17 **Q. Okay. When did that change?**

18 A. When I talked to the business owner and they
 19 explained to me the large crowd of people that was there
 20 while they were there and how aggressive they were, so
 21 that would change the dynamic of the layout for our
 22 folks. That's not something that we do, is go into
 23 hostile crowds. That -- that's -- it's not a safe place
 24 for our folks. So when the business owner explained
 25 that to me and how hostile the crowd was, then the --

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1 the situational awareness comes into play. That becomes
 2 very important. Because we can't put our folks in the
 3 middle of a hostile crowd.

4 **Q. Okay. Did you, as part of your investigation**
 5 **and talking to Car Tender, figure out whether the police**
 6 **department responded?**

7 A. Well, for clarity, I didn't do an
 8 investigation. I had a conversation to understand what
 9 happened. But I don't think they told me that PD
 10 responded. I don't think they told me that. And I
 11 don't know if I asked that, but I don't think they told
 12 me that. I mean, clearly from my email, I was concerned
 13 about why we didn't respond because I said it's an area
 14 outside of the red, where we should have. So I went
 15 down there, myself, and talked to the business owner,
 16 and when they explained to me the situational awareness,
 17 then I had more understanding. I can't speak to whether
 18 the PD responded or not.

19 **Q. Okay. So I just want to be clear. Did you do**
 20 **anything to look into this, other than talk to the owner**
 21 **of Car Tender?**

22 A. I know I communicated with my team in a
 23 conversation because I had clarity now on the why. But
 24 anything other than that, no, I don't think I did.

25 **Q. Okay. What did you --**

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1 A. Because these are --

2 **Q. I'm sorry. I didn't mean to talk over you.**

3 A. No, no. That's okay.

4 **Q. Okay. So what did you speak to your team**
 5 **about?**

6 A. About what the business owner communicated to
 7 me.

8 **Q. Okay. Do you know if any part of your --**
 9 **any -- anyone else on your team went and talked to the**
 10 **Car Tender business owner?**

11 A. I don't know. I think our arson investigators
 12 may have gone out, but I'm not 100 percent sure there.

13 **Q. Okay. Okay. I'm going to mark this as**
 14 **Exhibit 10.**

15 MR. FARMER: Tyler, it's just past 11:00.
 16 Would this be a good time for, say, a five- to
 17 ten-minute break.

18 MR. WEAVER: Sure. I was just looking at
 19 it, and I was actually going to suggest that after this
 20 document, but let's go ahead and take a break. How long
 21 do you need? Ten minutes?

22 THE WITNESS: Sure.

23 MR. FARMER: Great.

24 THE VIDEOGRAPHER: Going off the record.
 25 The time is approximately 11:03 a.m.

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1 (Recess from 11:03 a.m. to 11:20 a.m.)
 2 THE VIDEOGRAPHER: We are back on the
 3 record. The time is approximately 11:20 a.m.
 4 (Exhibit No. 10 marked.)

5 E X A M I N A T I O N (Continuing)

6 BY MR. WEAVER:

7 **Q. Hello, Chief. I dropped some exhibits into the**
 8 **chat, rather clumsily, I might admit, but if you could**
 9 **look at the one that's marked Exhibit 10, bring that up.**

10 A. Yes. It's up.

11 **Q. Okay. Who is Reba Gonzales at the fire**
 12 **department?**

13 A. Reba Gonzales is one of our deputy chiefs. So
 14 we have A, B, C, and D platoon. So she's in charge of
 15 one of the platoons, D platoon.

16 **Q. Okay. So does she report directly to you?**

17 A. No. She reports to Assistant Chief Bryan
 18 Hastings.

19 **Q. Okay. So I'd like you to look at the portion**
 20 **of her email that she has labeled as 3, and this is**
 21 **on -- just for reference, this is June 22, 2020, is the**
 22 **date on this email.**

23 A. And number --

24 **Q. Number 3.**

25 A. Got it.

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1 **Seattle Fire Department treated somebody during the**
 2 **period of June 8th through June 30, 2020, within the red**
 3 **zone; is that right?**

4 A. Right. I -- I can say we entered with law
 5 enforcement to treat a patient. I'm just not 100
 6 percent sure on the geographical boundaries.

7 **Q. Okay. Was it the case for incidents within the**
 8 **red zone, whatever it was on a particular day, that the**
 9 **Seattle Fire Department could not go into the area and**
 10 **would not go into the area unless the police department**
 11 **determined that it would go into the area?**

12 MR. FARMER: Object to the form of the
 13 question.

14 You may answer.

15 A. Sure. In the area that was identified as the
 16 red or the hot zone, it was our practice to partner up
 17 with law enforcement, make sure that we had proper
 18 support, and then go in if we needed to. But that would
 19 be similar to a shooting or a stabbing today. We would
 20 pause, wait for law enforcement to clear the scene, and
 21 then we would go into the scene. So that's our --
 22 that's our standard practice.

23 BY MR. WEAVER:

24 **Q. Was it the practice that for any area or any**
 25 **call within the red zone, as it existed on any day from**

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1 **an MI is? There's a reference to an MI.**

2 A. Myocardial infarction.

3 **Q. Okay. So a heart attack?**

4 A. Yes.

5 **Q. Was what was -- is what's described in this**
 6 **email from Dale Watanabe, and the directions that were**
 7 **given to the person who reported they were having a**
 8 **myocardial infarction, consistent with the policy that**
 9 **was in place on June 20, 2020?**

10 MR. FARMER: Object to the form of the
 11 question.

12 A. Well, this is a real-time situation that the
 13 dispatcher -- because Dale Watanabe is one of our
 14 dispatchers -- gave a caller in the 911 system
 15 information to get to fire station one block east of
 16 your location, Fire Station 25.

17 So I don't know what else was said on that
 18 call. I don't know what other ailments the individual
 19 may have had. But the dispatcher apparently felt
 20 comfortable enough to ask the person to walk to the fire
 21 station one block away. But that's all I'm seeing here.

22 That's not the situation we wanted.

23 BY MR. WEAVER:

24 **Q. Okay. So Dale Watanabe is a dispatcher, you**
 25 **said. Is he -- okay.**

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1 **June 8th to June 30, 2020, that it was the policy of the**
 2 **Seattle Police -- Fire Department to not enter the area**
 3 **unless the Seattle Police Department accompanied them?**

4 MR. FARMER: Objection. Asked and answered.
 5 Chief, you may answer again.

6 A. Oh, yes, that was our operational plan.
 7 (Exhibit No. 11 marked.)

8 BY MR. WEAVER:

9 **Q. And -- all right. I'll leave it there for now.**
 10 **So if you could go to what I've introduced as**
 11 **Exhibit 11. It's in the chat already.**

12 A. 11.

13 **Q. So do you have it up?**

14 A. Yes.

15 **Q. Okay. So there was an email that was written,**
 16 **that was then forwarded to you.**

17 **Do you recall the incident discussed in this --**
 18 **in this email from Dale Watanabe?**

19 A. Right. I'll take a look.

20 **Q. Okay.**

21 A. Yes, I've -- I've read that.

22 **Q. Okay. Do you recall that incident?**

23 A. I don't recall the incident, but after reading
 24 it, it does hit the refresh button a bit.

25 **Q. Okay. So what was your understanding of what**

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1 **So do you read his email as saying that --**
 2 **indicating that he was comfortable telling the person to**
 3 **walk to the fire station?**

4 MR. FARMER: Objection. Sorry. Objection.
 5 Calls for speculation.

6 A. No, I don't read that statement in his email,
 7 no.

8 BY MR. WEAVER:

9 **Q. Okay. What is your understanding of what the**
 10 **policy would be today if somebody at 6 -- 1660 12th**
 11 **Avenue called the fire department, indicated that they**
 12 **were having symptoms of a cardiac arrest -- is it your**
 13 **understanding in that situation that it would have been**
 14 **consistent with the current policy, today, to tell them**
 15 **to walk to Fire Station 25?**

16 A. No.

17 **Q. And why is that?**

18 A. Today? We wouldn't have any obstructions
 19 blocking our units from actually making it to this
 20 address location, 1660 12th Avenue. What is it, just
 21 north of the east precinct. So this is probably the
 22 building that is right on 12th, on the east side of the
 23 street there. But we wouldn't have any obstructions
 24 blocking our units from getting there.

25 **Q. Okay. So your understanding is that in this**

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1 case the same -- if you got the same call today, it
 2 would be the policy of the fire department to go to this
 3 person's apartment; is that correct?

4 A. Correct.

5 Q. So part of the 30(b)(6) notice talks about --
 6 that you've been designated to talk about is how -- how
 7 response times to events were -- by the Seattle Fire
 8 Department in the area were affected or changed during
 9 the period of June 8th through June 30, 2020. And do
 10 you -- is there any study or analysis that has been done
 11 to indicate how those response times changed for
 12 addresses within the warm or yellow area during that
 13 period?

14 A. There hasn't been a study done. I know our
 15 team has looked at the response times, and it's been
 16 difficult to discern for this reason: Our response time
 17 stamps -- the call comes through the dispatch center;
 18 when the unit is dispatched; when the unit actually hits
 19 a button inside of the fire engine, ladder truck, or aid
 20 or medic unit -- when they go en route, they're actually
 21 driving to the call; and then when they're on scene, so
 22 they get on scene. They're not necessarily at the
 23 patient.

24 So even today, if we're at 999 Third Avenue,
 25 for example, if we had a full fire response that came

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1 at that issue after June 30th? And I assume you mean
 2 June 30, 2020, first -- let me -- is that correct?

3 A. June 30, 2020.

4 Q. And why was your team looking at that after
 5 June 30, 2020?

6 A. Because we were trying to understand the
 7 question you just asked, were our response times longer.

8 Q. And was there any conclusion reached on the
 9 data, problematic as it was?

10 A. Yes, there was a conclusion reached, that our
 11 response times were longer, but it was hard to discern
 12 all of the variables. And here's an example: If
 13 there's a protest today, for our units to find the right
 14 location to the person in the protest that needs medical
 15 assistance because of the -- the large gathering of
 16 people is often complicated. If there's a -- a medical
 17 response around the Seahawks game, for example, trying
 18 to find the person and locate them on scene is often
 19 difficult. We had about 30 days of that, trying to find
 20 the person that was actually in need. So the
 21 determination was our response times were longer, and
 22 there were a lot of variables to the why.

23 Q. Okay. So I just want to be clear. The
 24 conclusion was that the response times were longer
 25 during the period of June 8th to June 30th in the yellow

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1 to -- what floor are we on here? Forty --

2 MR. FARMER: 44.

3 BY MR. WEAVER:

4 Q. I don't know.

5 A. So we're on the 44th floor. So our units came
 6 to 999 Third Avenue, they would actually hit on scene
 7 where -- when they're on the street, but it's probably
 8 going to take them several minutes to navigate to the
 9 44th floor.

10 So that is the gap that we haven't been able to
 11 put together is when our folks who got on scene actually
 12 connected up with the patient. That -- that is --
 13 because we don't track that.

14 Q. Okay. What's -- but was there -- there was an
 15 attempt to get that information; is that correct?

16 A. There was an attempt, yes. Our team looked at
 17 how long it took our folks to go en route and to go on
 18 scene. And the on scene may have been a staging
 19 location, it may have been at the casualty collection
 20 point. You know, so there's a lot of variables to that
 21 on scene stamp.

22 Q. Okay. When did your team look at that issue?

23 A. Oh, I think sometime after June 30th. I think
 24 that there was information pulled together.

25 Q. Okay. And why was -- why was your team looking

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1 zone or warm zone; is that correct?

2 A. Well, in the red -- in the red or the hot zone,
 3 for sure, but in and around the yellow zone, we would
 4 have to do more study and analysis. And here's why I
 5 say that: Fire Station 25 is on 13th and Pine. If they
 6 got a call at Denny and -- and 12th, it's -- whether the
 7 protesters are there or not, it's still a pretty
 8 straight shot. They would go down 13th and then make a
 9 left, or westbound, on Denny to get to that location.
 10 So that access route was still open. But if they had a
 11 response on the other side, on Broadway, with all the
 12 people and -- congregating around the area, their normal
 13 route would have been they would go straight down Pine,
 14 and they would hang a right on Broadway, and they would
 15 be right at Seattle College, for example. So it just
 16 depends on where the call was, but there were calls that
 17 were longer. So overall, we -- we take the assumption
 18 that some calls did take longer for us to get there.

19 Q. Okay. But there was no analysis to how long
 20 the calls took for the yellow zone as opposed to the red
 21 zone; is that correct?

22 A. I think we -- we put them all on a spreadsheet
 23 and reviewed it, but it was -- it was a review, not a
 24 detailed analysis. I'm thinking. Our IT guys may have
 25 mapped them.

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1 chief of the fire department about what that might mean
2 for access to the area?

3 A. I did.

4 Q. And what were those concerns?

5 A. Access and egress in the area.

6 Q. Okay. Were you con- -- were you concerned that
7 you weren't going to be able to get in -- your fire
8 trucks or any response equipment into the area, past
9 those barriers?

10 A. Yes.

11 Q. Did you have any concern at that point about
12 what it might mean for businesses or residents who lived
13 or operated in that area?

14 A. Yes.

15 Q. What were those concerns?

16 A. Well, from the fire department perspective was
17 how were we -- how were we going to navigate the
18 landscape to serve those in that part of the community.

19 Q. At some point did you become part of a team of
20 people who were going to the area around the east
21 precinct and Cal Anderson on a daily basis?

22 A. Yes.

23 Q. Was one of the people you traveled there with
24 regularly Mami Hara?

25 A. Yes.

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1 A. Oh, I was in the area during the night hours.

2 Not -- not a lot, but yeah.

3 Q. Okay. So the first day you went there,

4 June 9th, had you -- had you been appointed as a liaison
5 to the area by the mayor, or how did that come about?

6 A. No, I wasn't appointed as a liaison to the
7 area. It came about because I saw a need, that we had
8 to figure out a way to navigate this landscape in case
9 there was an emergency and we needed to get our
10 resources in there.

11 Q. So what did you do on that first day to try to
12 navigate the area to figure out that situation?

13 A. Well, the first thing I did was I walked the
14 area. I needed to survey it, myself, you know, with
15 boots on the ground. So I walked the entire area, and
16 talking to people, trying to understand who -- who
17 was -- who was moving the crowd, you know, who was the
18 person in charge. And that first morning is when Mami
19 Hara showed up down there, and Sam Zimbabwe also. But I
20 think we all had concerns that focused on the services
21 that we provide to the community.

22 Q. So did you -- so you talked to the protesters
23 in the area. I'm using "protesters" to mean the people
24 generally in the area, who didn't -- who weren't
25 residents or businesses there. I'm just going to use

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1 Q. Was another person you regularly traveled with
2 there Sam Zimbabwe?

3 A. Well, let me provide a little clarification.

4 Q. Okay. Go ahead.

5 A. We didn't travel there together.

6 Q. Okay.

7 A. We organically met there. So we were there
8 pretty much daily together, but we didn't travel there
9 together.

10 Q. All right. Poor questioning on my part. Thank
11 you.

12 What time of day were you typically in the
13 area?

14 A. A lot. I -- during that period of time, I
15 would go there. You know, on the first day that this
16 was formed overnight, June 9th, I went there. I didn't
17 go to the office.

18 Q. You were there for the full day?

19 A. Pretty much.

20 Q. Okay. At any point were you personally there
21 overnight?

22 A. No.

23 Q. Okay.

24 A. You mean did I sleep there?

25 Q. Were you in the area during the night hours?

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1 that as shorthand for -- is that acceptable to you, to
2 use the term "protesters" for that?

3 A. I think it's acceptable to use the term, but I
4 am not sure if some of the residents from that area were
5 not protesting.

6 Q. Okay.

7 A. That's the part I'm not sure about.

8 Q. Fair enough.

9 So did you ever find out whether there was a
10 particular leader of the protesters?

11 A. No, I did not. And we consistently asked that
12 question, and there was never a person. As a matter of
13 fact, they would say "There is no leader."

14 Q. When you went down to the area were you
15 typically wearing your uniform that you're wearing right
16 now?

17 A. Yes.

18 Q. So were you -- were you often approached by
19 people who lived in the area?

20 A. Yes.

21 Q. People who owned businesses in the area, did
22 they come up and talk to you?

23 A. Yes.

24 Q. And people who owned property in the area,
25 would they have come and talked to you?

35 (Pages 137 to 140)

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1 A. Yes.

2 **Q. Okay. Do you think you were there every day**
 3 **from June 8th -- I'm sorry -- June 9th through July 1,**
 4 **2020?**

5 A. Probably so.

6 **Q. Okay. And what communications did you have**
 7 **back with the mayor's office about what you were seeing**
 8 **and experiencing and hearing in that area during that**
 9 **time period?**

10 A. We had our -- our check-in calls or in-person
 11 meetings. So that's where we relayed information. And
 12 generally that information showed up in the daily
 13 snapshot reports.

14 **Q. Okay. So that communication would have been**
 15 **with the mayor's executive staff and with the mayor,**
 16 **herself?**

17 A. Yes.

18 **Q. Okay. And that would have -- that would have**
 19 **included information that you were hearing from**
 20 **protesters; right?**

21 A. Yes.

22 **Q. And information that you were hearing from**
 23 **residents; right?**

24 A. Yes.

25 **Q. And information that you were hearing from**

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1 **businesses; right?**

2 A. Yes.

3 **Q. And property -- and also property owners;**
 4 **correct?**

5 A. Yes.

6 **Q. Okay. Was one of your goals on June 9th to try**
 7 **to keep protesters from fortifying the area with**
 8 **stronger barriers and more defined boundaries?**

9 MR. FARMER: Objection. Vague.

10 You may answer, Chief.

11 A. I think the goal was to try to create an access
 12 path for our resources.

13 MR. WEAVER: Okay. I'm going to mark an
 14 exhibit, 15.

15 (Exhibit No. 15 marked.)

16 BY MR. WEAVER:

17 **Q. All right. It should be coming up shortly.**
 18 **Let me know when you have it open.**

19 A. Yes, it's open.

20 **Q. Okay. So are these minutes from a meeting that**
 21 **you had with the mayor's office, and the cabinet that we**
 22 **talked about earlier, on June 9?**

23 A. Yes.

24 **Q. I'd like you to scroll down to the**
 25 **objections -- objectives for de-escalation. And under**

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1 **No. 1 it says remove -- I'm sorry. Go ahead.**

2 A. No, I've found it. Yep.

3 **Q. Okay. "Remove concrete barriers and replace**
 4 **with orange water barriers, including a traffic**
 5 **management plan." And the lead on that was SDOT and**
 6 **fire.**

7 **Was that your recollection, that you -- the**
 8 **fire department and the Department of Transportation**
 9 **were lead on that particular objective?**

10 A. It is, because we both have -- had a vested
 11 interest. For the fire department, as I mentioned,
 12 creating an access and egress path was in our interest
 13 to serve the community.

14 **Q. Okay. So what were you trying to do to remove**
 15 **the concrete barriers and replace them with orange water**
 16 **barriers on June 9th?**

17 A. I believe we were trying to have a conversation
 18 with the protesters to try to make that happen.

19 **Q. What was the -- what was the purpose in trying**
 20 **to replace the concrete barriers with orange water**
 21 **barriers?**

22 A. Sure. If we had a major incident in that area
 23 and there were the orange water barriers, you can drain
 24 those barriers pretty quick, and they also slide pretty
 25 easy. So we would have been able to navigate the

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1 landscape in case of an emergency.

2 **Q. Okay.**

3 A. With the other barriers it was a bit more
 4 challenging.

5 **Q. Were you --**

6 A. It was just a water container that's filled
 7 with -- I don't know how much water's in it.

8 **Q. Yeah. So were you successful in achieving that**
 9 **objective on June 9th?**

10 A. I don't think we were. I'm not sure, though,
 11 unless you're going to show me another slide of success.

12 **Q. Do you recall any point at which concrete**
 13 **barriers were replaced with orange water barriers**
 14 **between June 9th and July 1, 2020?**

15 A. I don't recall the exact connecting of dots of
 16 what we replaced with what, but over that period of
 17 time, June 9th to June 30th, there was a -- there was a
 18 transition in the landscape.

19 **Q. Okay. We'll get to that.**

20 **I'd like to go down to -- scroll down to**
 21 **Item 5, which is right -- it starts on the first page**
 22 **and goes on to the second. So that's "Develop a**
 23 **communication plan between community site leaders and**
 24 **City service providers," and it has as the lead the**
 25 **mayor's office and fire.**

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1 Do you see that?

2 A. I do.

3 Q. Okay. Do you recall what the concerns about
4 the level of permanent activity at the park were?

5 A. "27 tents on site...digging a community
6 garden."

7 I think the concerns were the damage to the
8 park, and I do think that there is a water system or a
9 reservoir under there. So that was a concern.

10 Q. Okay. Was there also a concern that the more
11 the group dug in, the harder it would be to get them to
12 leave?

13 A. The more people showed up, yes.

14 Q. Okay. So at this point it says there were
15 about 27 tents in Cal Anderson.

16 Did that number grow quite a bit?

17 A. I think it did. I was never counting the
18 tents, but as you survey the landscape on June 8th or
19 9th versus later on in the month, clearly the number of
20 tents had grown.

21 (Exhibit No. 18 marked.)

22 BY MR. WEAVER:

23 Q. Okay. So I'd like to go to what I marked and
24 uploaded earlier as Exhibit 18. I also uploaded it a
25 couple times without that number on it. Let me know

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1 know if you reviewed this one, but at the bottom of the
2 second page it's actually an email that you sent, and
3 then you replied all to that email with more comments.
4 So I want to ask you first about the one June 11th at
5 8:57 in the morning.

6 Do you see it?

7 A. Yes.

8 Q. So you state here that you're -- you were
9 concerned knowing there were individuals in the crowd
10 with weapons, and that you see that this has
11 transitioned from a peaceful protest to a different
12 situation that is unstable, and this could compromise
13 the safety of your personnel.

14 At what point did you -- did you notice that
15 the protest had transitioned?

16 A. When people showed up with weapons and were not
17 allowing access to the area.

18 Q. Okay. And that had happened -- that had -- did
19 that happen on like the 9th or the 10th of June?

20 A. I believe it happened on June 8th.

21 Q. Okay. And it continued -- that -- those
22 particular aspects continued through the month of June;
23 is that right?

24 A. Correct.

25 Q. What do you mean by the situation was unstable?

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1 when you have it up.

2 A. Will do. You've already downloaded that one?

3 Q. 18, I believe so. Let me -- if I haven't, I
4 will here.

5 A. Oh, yeah. Yeah, it's here.

6 Q. Yeah. Like I said, it was not the prettiest.

7 A. So it's open now.

8 Q. Okay. One question before I move on was, did
9 you receive complaints from businesses that they were
10 not able to get deliveries to their business -- places
11 of business?

12 A. Yes.

13 Q. All right. Okay. So Exhibit 18 is some emails
14 that you sent on June 11, 2020.

15 Do you remember these emails?

16 A. I don't, but I can read them.

17 Q. Okay. Go ahead.

18 A. I guess I should have checked my spelling and
19 wording, first off.

20 Q. We'll get there.

21 A. Yes. I've read this, yes.

22 Q. Okay. So do you remember sending these emails?

23 A. Not specifically, but this -- these were my
24 concerns.

25 Q. Okay. So I want you to scroll down. I don't

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1 What did you mean by that?

2 A. When people are in the area with weapons, not
3 just one person, multiple people, and they're on the
4 access and egress points of a geographical area, and not
5 allowing people in or out, or vehicles in and out --
6 because there was a lot of foot traffic actually walking
7 in and out all day long, but not allowing vehicles in or
8 out, to me that is an unstable situation.

9 Q. Okay. So going back to your -- up above, the
10 email you sent -- you replied all to your own email
11 about an hour later, on June 11th, at 9:14 in the
12 morning. And the second sentence talks about, "If the
13 City is to allow this group to continue to protest," and
14 I want to ask you about -- was it your perception that
15 the City was allowing the group to continue to protest
16 throughout June 2020?

17 A. It was my perspective.

18 Q. Okay. And you believed at that point that
19 certain conditions needed to be met if that was going to
20 happen; is that right?

21 A. I did.

22 Q. And why did you believe that certain conditions
23 needed to be met if the City was going to allow the
24 protest to continue?

25 A. Because from fire's perspective, trying to

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1 trying to survive right now, and we're not allowing
2 traffic through here so they can survive? Do you recall
3 that?

4 A. I don't recall saying that, but that makes
5 sense, and the context is important. So during this
6 time many businesses had been closed because of COVID,
7 so businesses were really working hard to survive. So
8 that would be a reference point and the context that
9 would make sense that I could possibly use.

10 Q. Okay. So was it your perception that
11 businesses were having a harder time surviving because
12 of the occupation of the streets in the area around the
13 east precinct and Cal Anderson Park?

14 MR. FARMER: Objection. Vague.

15 A. I think that would be really difficult for me
16 to discern because at that point in time our community
17 was basically shut down, and so there -- it had been a
18 long road for all of our businesses in the community
19 because of COVID. Now, this was on top of that. I
20 don't know if the community was fully reopened during
21 this period of June 2020. So I do know the businesses
22 were having a really difficult time because of the
23 pandemic.

24 BY MR. WEAVER:

25 Q. And I think you said -- and correct me if I'm

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1 fortified where the protesters had placed those
2 barriers?

3 MR. FARMER: Object to the form of the
4 question. Assumes facts not in evidence.

5 Chief Scoggins, you may answer.

6 A. Okay. I do agree that more obstacles appeared
7 to show up around the intersections where the initial
8 water barriers and the gate-type barriers and bike racks
9 were, as the days continued to tick on. So yes.

10 BY MR. WEAVER:

11 Q. Do you recall the protesters started fortifying
12 the barriers with vehicles that were parked near or in
13 front of the barriers?

14 A. I do agree that that occurred.

15 Q. Okay. And when did you notice that beginning
16 to occur?

17 A. I think that occurred pretty early on.

18 Q. Like in the first few days of the occupation?

19 A. I think so.

20 Q. Do you recall at this meeting on June 13th a
21 discussion of changes to the placement and type of
22 barriers that might be provided to the protesters?

23 A. I missed the first part of what you said. It
24 was something and type of barriers.

25 Q. The placement and type of barriers.

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1 wrong -- that you would -- would agree that there was --
2 in addition to the pandemic, that there was the
3 additional problem of the streets and the park being
4 occupied in the area around the precinct and the park,
5 for businesses?

6 A. Yeah. And because that would make sense, but I
7 don't know which businesses remained open --

8 Q. Sure.

9 A. -- and which businesses had to close during
10 this period from June 8th to June 30th. As I was in
11 there, there were a number of businesses that were open
12 and operating during this period of time, and there were
13 some pretty heavy volumes of foot traffic. So it would
14 be hard for me to try to discern -- you know, the ones
15 that were completely closed, clearly they weren't going
16 to be able to reopen in the midst of these events that
17 were taking place, but there were some open and
18 operating, and that's the part that I don't know. But
19 it would make sense that they had a difficult time.

20 Q. Would you agree that the barriers had gotten
21 more fortified over the period of the first few days
22 after the police left the -- scratch that question.

23 Would you agree that in the -- in the days
24 following the Seattle Police Department leaving the east
25 precinct, that the barriers became increasingly

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1 A. Yes, there was a conversation regarding that.

2 Q. Do you recall getting out a map and drawing on
3 it with the protesters to indicate possible barriers
4 that might be established in the area following this
5 meeting?

6 A. I do -- I remember the conversation. I don't
7 remember, you know, where I drew on the map.

8 Q. Okay. Do you recall touring the area
9 afterwards with Sam Zimbabwe and Mami Hara and the
10 protesters to talk about the types of barriers and the
11 placement of those barriers that the City might agree to
12 with them?

13 A. I do remember those conversations took place,
14 and from the fire department's perspective, you know,
15 our goal was to get the side of the street that had the
16 fire hydrants on them, to get access to those points, so
17 if there was a -- you know, a large fire, we didn't have
18 the fire hydrants buried behind any of the barriers. So
19 we viewed the way the water mains were running, we
20 viewed where the hydrants were, and that's how we kind
21 of sketched out the map.

22 Q. So after this meeting and after the tour, did
23 you have an agreement with the protesters as far as the
24 parameters of a change in the footprint and a change in
25 the type of barriers going forward?

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1 MR. FARMER: Object to the form of the
2 question.

3 Chief, you may answer.

4 A. You know, I -- we had agreements. They didn't
5 always hold because new faces would come into the
6 conversation that would object, but after -- you know, I
7 remember early on, I thought we had an agreement. We
8 were going to work to change the landscape. And then
9 that all fell apart on us pretty quick.

10 BY MR. WEAVER:

11 Q. What do you mean, it fell apart on you pretty
12 quick?

13 A. When we started the process to change the
14 landscape, another group or -- I don't know the
15 different groups within the group, but became, you know,
16 angry and upset about changing of the landscape. I
17 remember one of the big -- I think the skip loader
18 trucks came in, and you had, you know, someone lay down
19 in front of it on the street. And we were trying to do
20 all this without police participation. So you had
21 Department of Transportation employees. I was down
22 there with a couple of my folks. So we were trying to
23 manage a very tense situation, and then it -- it fell
24 apart, and then we -- we worked through it again.

25 Q. Why were you trying this without police

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1 participation?

2 A. Well, we were trying to work with what we had.
3 We knew the situation became volatile when they were
4 added to the conversation. So we were trying to work
5 with what we had and solve the problems without bringing
6 back up the temperature in the water again.

7 If you remember, prior to June 8th, the
8 protesters and the police -- it was a pretty challenging
9 time.

10 Q. So at some point after this meeting were
11 there -- was -- were there replacements of barriers that
12 the protesters had been using with larger, heavier,
13 concrete barriers?

14 A. Sometime after that meeting the transition
15 started from the earlier barriers, which were the gates
16 and the water barriers, dumpsters and bike racks and
17 vehicles, to the ecology blocks, which are the large
18 blocks of concrete. But it took a couple of fits and
19 starts to actually get that moving.

20 Q. Okay. And the ecology -- help -- I mean, I can
21 ask Mr. Zimbabwe about this, but the ecology blocks,
22 how -- they weigh a few hundred pounds; is that correct?

23 A. I think they probably weigh a few thousand
24 pounds.

25 Q. Okay. A few thou- -- they have to be moved by

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1 machinery; right?

2 A. Yes.

3 Q. And so the Department of Transportation
4 provided those blocks and brought those blocks into the
5 area; is that correct?

6 A. That is correct.

7 Q. And the barriers that had been drawn with
8 the -- pursuant to the agreement reached with the
9 protesters, did those barriers -- did those barriers --
10 revised barriers -- well, let me try again.

11 So you had an agreement to change the footprint
12 with the protesters; right?

13 MR. FARMER: Objection. Misstates prior
14 testimony.

15 A. We worked through changing the landscape with
16 the protesters.

17 BY MR. WEAVER:

18 Q. Okay. And at some point, certain portions of
19 certain roads were opened up one way; is that correct?

20 A. That is correct.

21 Q. Okay. Did those openings hold, or did the
22 protesters move some of the barriers again following the
23 opening up of those areas?

24 A. The landscape that we shifted held for a number
25 of days. I can't tell you how many. Because one of the

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1 things we were trying to accomplish was if we were going
2 to open up these lanes for vehicle traffic, we needed to
3 create, lack of a better term, a barrier between the
4 vehicles and where people were going to be. So that was
5 a part of the mindset, and when we shifted the landscape
6 and how we shifted it.

7 Q. Okay. But at some point after several days
8 that -- that all changed again because the protesters
9 moved some barriers and blocked things that had
10 previously been open; is that correct?

11 A. That is correct. It was dynamic. I don't know
12 exactly how many days. But I know it was an ongoing
13 work in progress.

14 Q. Okay. I'd like to go back to Exhibit 19. It's
15 the first text in that chain. And it's a text from you
16 that is simply a YouTube link. And I can tell you that
17 there's -- there's no text before or after it indicating
18 why you were sending this link.

19 This was sent on, it looks like, 2:00 on
20 June 15, 2020. The link goes to -- and you might be
21 able to hit the hyperlink there and see what I'm talking
22 about. The link goes to footage of what had happened at
23 Car Tender on the night of the 14th.

24 A. Do you want me to hit the link?

25 Q. You can hit the link if you want, just to see

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1 A. I don't recall the details of the exact
2 conversation, but I do know that that was discussed.
3 BY MR. WEAVER:
4 **Q. Okay. What do you recall -- what were your**
5 **discussions in June of 2020 with Carmen Best, Chief**
6 **Best, about whether the -- whether the police department**
7 **wanted to get back into the east precinct?**
8 A. I don't know if Chief Best and I had
9 intentional, detailed discussions about wanting to get
10 back into the east precinct. I know they did. That's
11 one of their precinct buildings. It would be like the
12 fire department wanting to get back into one of our fire
13 stations. But we didn't have detailed conversations.
14 Maybe it was just a feeling of knowing that that was the
15 intent.
16 **Q. Do you recall at any point Chief Best or other**
17 **members of the police department suggesting that the**
18 **area should be cleared of protesters sooner than the**
19 **mayor's office wanted that to happen?**
20 A. I don't recall the exact conversations, but I
21 know conversations like that took place.
22 **Q. So tell me what you remember about those**
23 **conversations.**
24 A. Wanting to clear the area and get back into the
25 building.

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1 **Q. And either the -- either Chief Best or the**
2 **other members of the police department received pushback**
3 **from the mayor's office that they could not get back in**
4 **there as soon as they wanted to? Was that part of the**
5 **discussions?**
6 A. I didn't witness pushback from the mayor's
7 office if they communicated that they would like to get
8 back into the building from the mayor's office. And the
9 mayor's office may not have been in, you know, all of
10 these conversations. So if we're reviewing our
11 operational plan and trying to get in alignment with
12 PD -- because that was the goal of this, was to try to
13 get in alignment, so if there was another event.
14 **Q. Did you ever talk to Chief Best about her**
15 **opinions with regard to whether the police department**
16 **should have stayed in the east precinct on June 8, 2020,**
17 **instead of leaving it?**
18 A. I don't know if we had intentional
19 conversations on that topic.
20 **Q. Did you get an impression from your discussions**
21 **you did have with her whether she believed that they**
22 **should have left on June 8, 2020?**
23 A. I think I did.
24 **Q. Okay. What do you remember about that**
25 **conversa- -- what do you remember about the impressions**

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1 **you got?**
2 A. Well, one morning her and I were down in the --
3 in the area, and she did an interview live, and I think
4 she communicated some of those points in the interview.
5 It was just her and I, and, you know, the protesters,
6 and there was one of the -- one of the local TV
7 stations.
8 **Q. Okay. And what were the points that you heard**
9 **her talk about?**
10 A. Well, I'm -- I'm generalizing.
11 **Q. Okay.**
12 A. But I think wanting to get back in the
13 building, wanting to clear the area and things like
14 that.
15 **Q. Okay. Was there ever discussion in the cabinet**
16 **meetings about how it was not wise to clear the area as**
17 **of, say, June 15, 2020?**
18 A. I don't know. I don't recall that. I'm not
19 saying there -- they couldn't have happened. I just
20 don't remember them happening.
21 **Q. If the mayor and everybody wanted to clear the**
22 **area, why was it not done prior to the morning of**
23 **July 1, 2020?**
24 MR. FARMER: Objection. Foundation, calls
25 for speculation.

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1 A. I don't know.
2 BY MR. WEAVER:
3 **Q. Okay. I'd like to go back to the email which**
4 **is Exhibit 24, and the middle of this email Mayor Durkan**
5 **says, "What happened this morning" -- she says**
6 **"this a.m." -- "was foreseeable and avoidable."**
7 **Do you agree that what had happened that**
8 **morning was foreseeable and avoidable?**
9 MR. FARMER: Objection. Vague.
10 A. I don't know. For a young man to lose his
11 life, I would never like to think that I saw that
12 coming. Was this a -- a very different situation? It
13 was. But I can't say that I saw this young man getting
14 ready to lose his life. I cannot say that.
15 BY MR. WEAVER:
16 **Q. Do you believe it was foreseeable that there**
17 **would be increased violence in an area where there was**
18 **modified police and fire response for a period of weeks?**
19 MR. FARMER: Objection. Object to the form.
20 You may respond, Chief.
21 A. I think as the days went on, we started to
22 learn more. So we became more informed of the
23 situations on the ground, and we were better able to
24 understand how this was going to challenge our
25 resources.

53 (Pages 209 to 212)

Page 213

1 BY MR. WEAVER:

2 Q. What do you mean by you started to learn more?

3 A. Well, this was a pretty violent event. The
4 crowds were growing significantly, and we had challenges
5 reaching this patient. We learned a lot in this event,
6 so we learned a great deal. So we modified our plans a
7 bit more, we tried to become better coordinated. But as
8 the crowd size grew, that was a part of the learning.

9 Q. What were you learning from the fact that the
10 crowds -- the crowd size was growing?

11 A. The potential of violence was escalating.

12 Q. I'm getting close, but I need to take a break.

13 Can we go off the record, please?

14 THE VIDEOGRAPHER: Going off the record.

15 The time is approximately 4:29 p.m.

16 (Recess from 4:29 p.m. to 4:41 p.m.)

17 THE VIDEOGRAPHER: We are back on the
18 record. The time is approximately 4:41 p.m.

19 E X A M I N A T I O N (Continuing)

20 BY MR. WEAVER:

21 Q. So Chief, are the cabinet meetings with -- that
22 we've talked about with the mayor's office and the other
23 chiefs of staff, are they ever recorded in any way that
24 you know of?

25 A. I don't think so.

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1 Q. Other than somebody takes -- is there somebody
2 designated at these meetings to take notes?

3 A. Yes. That's what we're seeing in the snapshot
4 reports.

5 Q. And who -- who is that, that takes the notes of
6 those meetings, if you know?

7 A. Well, so most of the documents that you have
8 displayed are tied to our emergency operations center.
9 So generally there's a member of the EOC team who's
10 designated to take the notes and capture the notes of
11 that meeting.

12 Q. Okay. Did you have any -- going back to
13 October 8, 2020, did you have any emails or other
14 documentation of your trip to the Apple store?

15 A. I don't think -- well, I guess I should get
16 clarity. You mean emails to Apple that I'm coming over,
17 or what do you mean there?

18 Q. Any emails that you might have with Apple
19 regarding your claim, or any -- any emails or other
20 communications with Apple.

21 A. I don't have any communications with Apple, no.

22 Q. You said you have a Apple watch; is that
23 correct?

24 A. I do.

25 Q. All right. I thought you were pointing to it.

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1 Okay. So you do -- is that the same Apple watch you had
2 a year ago?

3 A. Same one.

4 Q. Okay. Has it been backed up?

5 A. I didn't know you can back up a Apple watch.
6 It connects with your phone.

7 Q. Sometimes I ask questions because I've been
8 told to ask them, so just a little hint, I have no idea
9 if it can actually be backed up.

10 A. I don't know.

11 Q. Okay. Do you know if it has been cleared or
12 reset at any time in the last year?

13 A. I don't think I've ever cleared the Apple
14 watch. I wouldn't even know how to do that. When you
15 reconnect it with the phone or there is an IOS software
16 update, it kind of resets itself on those updates, I
17 think. But I don't know.

18 Q. Okay. So was it your understanding that it was
19 always the mayor's desire, starting on June 8, 2020,
20 to -- to clear out the protests from the area around the
21 east precinct and Cal Anderson Park?

22 A. It would be hard for me to speak about the
23 mayor's desire. I do believe that it was one of our
24 shared goals.

25 Q. Okay. And what was -- what is your

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1 understanding that it was a shared goal based on?

2 A. All of the conversations that we had on how to
3 transition the landscape, how to, from the fire
4 department's perspective, create access and egress. So
5 based on all of those conversations, it -- it appeared
6 to be the priority for the group.

7 Q. For the group or for the mayor?

8 A. Well, I think it was -- like I said, it would
9 be hard for me to speak about the mayor's desire, but it
10 seemed that that was in alignment with what we were
11 trying to do.

12 Q. Okay. Do you recall ever getting a directive
13 from the mayor or the mayor's office prior to June 20,
14 2020, to develop a plan to clear out the area with the
15 police department -- with -- and with DOT.

16 MR. FARMER: Object to the form of the
17 question.

18 You may answer.

19 A. Sure. I don't recall getting a directive.
20 That's not to say I didn't get an email of some sort, I
21 guess.

22 BY MR. WEAVER:

23 Q. Okay. So you don't recall in an email or
24 meeting an instance where the mayor or the mayor's
25 office told you before the morning of January [sic] 20,

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Q. The City renting a space?

A. Oh, I don't know.

Q. Okay. You don't know anything about Mayor Durkan and a business called the Riveter? Do either of those -- does that ring a bell with you at all?

A. No.

Q. Okay.

A. And it's not to say that those conversations didn't take place, but it -- it would not have been one that impacted the fire department.

Q. Okay. Yeah, I -- I'm just making sure. I didn't expect that you did, but -- can you give me another five minutes? I might be done. I just want to look at my notes. So if we could go off the record for five minutes.

THE VIDEOGRAPHER: Going off the record. The time is approximately 4:53 p.m.

(Recess from 4:53 p.m. to 4:57 p.m.)

THE VIDEOGRAPHER: We are back on the record. The time is approximately 4:57 p.m.

E X A M I N A T I O N (Continuing)

BY MR. WEAVER:

Q. Okay. I do have a few just brief questions.**So with regard to Cal Anderson after July 1st through the end of 2020, do you know of any instances**

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Q. Your City phone, I mean.

A. No.

Q. Okay. And do you have a personal email address that you use?

A. I do.

Q. What's -- what's the email address?

[--- Confidential ---]

MR. FARMER: Cindy, we would -- I'm sorry, Mr. Weaver. Cindy, we would ask that you mark the last question and answer as confidential under the protective order in the case, please.

MR. WEAVER: And we have no objection to that. I expected that, so -- I was actually going to mention that we would keep that confidential.

So unless your attorney has questions, I am done.

MR. FARMER: No questions.

Cindy, we'll reserve signature. Thank you.

THE VIDEOGRAPHER: Thank you. This concludes today's deposition of Harold Scoggins. The time is approximately 5:00 p.m. Going off the record.

(Deposition concluded at 5:00 p.m.)

(Reading and signing was requested

pursuant to FRCP Rule 30(e).)

-o0o-

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where there were yellow or red zones created in or around the park during that time?

A. I don't. I don't think we created any in or around the park, but I'm not 100 percent sure, but I don't think we did.

Q. Do you recall whether there were any scenes of violence declared in the -- in or around the park during the same time period?

A. Are you talking about the time period after the demobilization --

Q. Yeah, July 1st to the end of the year of 2020.

A. Oh, I'm not sure. That's a pretty long time period, so there could have been.

Q. Okay. Has anybody, to your knowledge, attempted to see if they can get any of your previous messages by using your Apple watch as a -- as a source?

A. No.

Q. Is that a City-issued Apple watch?

A. No.

Q. But it is -- it's synced with your City phone; is that right?

A. Yes. Only my City phone.

Q. Okay. At any time -- in June of 2020, was your personal email linked to your phone?

A. No.

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of Harold Scoggins, having been duly sworn, on September 14, 2021, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of September, 2021.



CINDY M. KOCH, CCR, RPR, CRR

My commission expires:

JUNE 9, 2022

Exhibit 9

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE</p> <hr/> <p>HUNTERS CAPITAL, LLC, et al.,) Plaintiff,) vs.) No. 20-cv-00983-TSZ CITY OF SEATTLE,) Defendant.)</p> <hr/> <p style="text-align: center;">VIDEOTAPED VIDEOCONFERENCE</p> <p style="text-align: center;">30(B)(6) AND INDIVIDUAL DEPOSITION UPON ORAL EXAMINATION OF MAMI HARA (CITY OF SEATTLE)</p> <hr/> <p style="text-align: center;">Seattle, Washington</p> <p style="text-align: center;">(All participants appeared via videoconference.)</p> <p>DATE TAKEN: OCTOBER 4, 2021 REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357</p>	<p style="text-align: right;">Page 3</p> <p>1 DEPOSITION OF MAMI HARA 2 EXAMINATION INDEX 3 EXAMINATION BY: PAGE 4 30(b)(6) Examination by Mr. Weaver 6 5 Non-30(b)(6) Examination by Mr. Weaver 86 6 7 EXHIBIT INDEX 8 EXHIBITS FOR IDENTIFICATION PAGE 9 Exhibit 1 Amended Notice of Videotaped 9 Deposition Pursuant to FRCP 10 30(b)(6) to City of Seattle 11 Exhibit 2 SPD Blotter/Update; 11 SEA_00015069-070 12 13 Exhibit 3 Email chain; SEA_00102780-788 17 14 Exhibit 4 Email; SEA_00121366 33 15 Exhibit 5 Email chain; SEA_00043770-774 43 16 Exhibit 6 Email chain; SEA_00082989-991 46 17 Exhibit 7 Email; SEA_00082986 48 18 Exhibit 8 Email chain; SEA_00083076 51 19 Exhibit 9 Email chain; SEA_00092041-045 57 20 Exhibit 10 Email; SEA_00136841-842 70 21 Exhibit 11 Email chain; SEA_00043193 79 22 Exhibit 12 16-page chart titled "Messages" 119 23 Exhibit 13 18-page chart titled "Messages" 125 24 Exhibit 14 Email chain; SEA-PDR_002277-282 136 25 Exhibit 15 Email chain; SEA_00093002-003 137</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 FOR PLAINTIFF VIA VIDEOCONFERENCE: 3 TYLER S. WEAVER 4 GABRIEL REILLY-BATES 5 Calfo Eakes LLP 6 1301 Second Avenue 7 Suite 2800 8 Seattle, WA 98101-3808 9 206.407.2237 10 tylerw@calfoeakes.com 11 gaber@calfoeakes.com 12 13 FOR DEFENDANT VIA VIDEOCONFERENCE: 14 SHANE P. CRAMER 15 Harrigan Leyh Farmer & Thomsen LLP 16 999 Third Avenue 17 Suite 4400 18 Seattle, WA 98104 19 206.623.1700 20 shanec@harriganleyh.com 21 22 ALSO PRESENT VIA VIDEOCONFERENCE: 23 TYLER TODISH, videographer 24 Buell Realtime Reporting, LLC 25 * * * * *</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBIT INDEX (Continuing) 2 EXHIBITS FOR IDENTIFICATION PAGE 3 Exhibit 16 Email; SEA_00093087-090 140 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 (Pages 1 to 4)

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1 you understand that we're talking about the time period
2 of June 9, 2020, to July 1, 2020?

3 A. I am.

4 **Q. Okay. And we're talking about the delivery of**
5 **city services within the area described in the first**
6 **paragraph on Page 3 of Exhibit 2. Is that correct?**

7 A. Yes. I -- we are talking about that -- the
8 area that's bounded by those parameters.

9 **Q. Okay.**

10 A. And so -- yeah, I was talking about the
11 modified delivery of city services --

12 **Q. Sure.**

13 A. -- and that generally it entailed a
14 modification of the time at which things would be
15 completed.

16 **Q. So how about electricity services or**
17 **electricity repairs? Do you recall whether there were**
18 **any modifications to those services within that area**
19 **during that time period?**

20 A. You know, I -- I facilitated the entry of all
21 of the other utilities into the area. I do not recall
22 that there were any notable changes to electrical
23 services, although we did -- I did facilitate City
24 Light's and -- and also -- well, I -- City Light's entry
25 into the area for --

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1 A. Could you repeat your question, please?

2 **Q. Do you recall the access and the delivery of**
3 **city services, such as trash, recycling, and other**
4 **services, varied from day to day depending on the**
5 **conditions in the area?**

6 A. Is your question whether the schedule for
7 modifying the pickup times was irregular, or that it --
8 you know, on a daily basis, or can you -- can you refine
9 your question a little bit so I understand what you're
10 asking?

11 **Q. Do you recall making assessments on a daily**
12 **basis whether it was safe for SPU employees to go into**
13 **the area?**

14 A. My responsibility during that time was to go in
15 every morning and, you know -- and to do an assessment
16 to make sure that the roadways were open and -- you
17 know, and -- and that, you know, everything was in -- in
18 good condition for the city vehicles to enter, and I --
19 yes. Yes, I did an assessment every morning.

20 **Q. And were there some days where you determined,**
21 **based on your assessment, that it was not safe for city**
22 **vehicles to enter the area?**

23 A. If I remember properly, there may have been
24 a -- a rare occasion that I made that assessment, but it
25 was largely, if I remember correctly, based on the kind

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1 (Simultaneous cross-talk.)

2 BY MR. WEAVER:

3 **Q. -- about any issues with meter readers going**
4 **into the area during that time period?**

5 THE COURT REPORTER: I'm sorry. You were
6 speaking at the same time. She was still speaking --

7 MR. WEAVER: All right.

8 THE COURT REPORTER: -- and so the beginning
9 of your question didn't come through. Can you please
10 just repeat?

11 MR. WEAVER: Yeah.

12 BY MR. WEAVER:

13 **Q. So how about any issues with meter readers**
14 **during that same time period in that area?**

15 A. There may have been -- yeah, actually, I do --
16 I do remember that there were -- there was a time or two
17 that I asked for the meter readers to hold off because
18 of other departments' activities in the area.

19 **Q. Um --**

20 A. But I do want to add, though, that they did
21 manage to, you know, read the meters, you know, at some
22 other point.

23 **Q. Do you recall that, whether there was access to**
24 **the area for various city services, varied from day to**
25 **day?**

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1 of -- the activities that were going on from a number of
2 different parties, yeah.

3 **Q. What sort of activities would have led to a**
4 **determination that people should not go into the area?**

5 A. When I would sometimes know that there were
6 different city services -- other city activities going
7 on that might raise some -- you know, elevate
8 temperatures, you know, I might say let's hold off and
9 pick up a little bit later, or tomorrow.

10 **Q. What sort of activities would have raised**
11 **temperature?**

12 A. For example, if the city were, you know, intent
13 on cleaning up the park or moving barriers, those kinds
14 of things might have -- might have raised the
15 temperature.

16 **Q. Why would those things have raised the**
17 **temperature?**

18 A. From my perspective, and this is just my
19 assessment, people don't like change. And so it was
20 just, you know, me being extra cautious to make sure
21 that -- you know, and -- that -- that, you know, that
22 we -- that our services were not in any way complicating
23 any discussions that might be going on.

24 **Q. Were you concerned that there might be pushback**
25 **or even violence from -- by the people in the area if**

4 (Pages 13 to 16)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 **you came in and did certain services on certain days?**

2 MR. CRAMER: Objection. Form.

3 A. My concern really was not around violence, per
4 se, against our city -- against, you know, our -- our
5 workers. Our workers, you know, were -- their services
6 were accepted and, you know, they didn't have any
7 issues. I just -- from -- from my perspective, it was
8 just better for us not to be, you know, in the middle
9 of, you know, whatever discussions or coordination may
10 be going on on the part of others. You know, it's kind
11 of disruptive to have a trash truck rolling through, you
12 know, a meeting, you know. It was just really not -- I
13 do not recall being concerned about -- about violence.

14 BY MR. WEAVER:

15 **Q. So you're saying that the primary concern in**
16 **not sending the garbage trucks through the area on**
17 **certain days or times was because you were worried about**
18 **upsetting certain discussions in the protest area?**

19 A. Just -- the -- there were a lot of people there
20 at some points in the protest area, not just protesters.
21 There were tourists, there were city officials, there
22 were a lot of different people, and there were -- and --
23 and during times of change it felt -- you know, it felt
24 just really wise to not be part of the mix.

25 (Exhibit No. 3 marked.)

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1 **Q. Okay. So you're talking -- you started -- I**
2 **just want to get clear. So you're saying you started**
3 **doing this in late May and earlier in June?**

4 A. I don't know the date that Hans started doing
5 this.

6 **Q. Okay.**

7 A. But Seattle Public Utilities was asked to
8 (audio distortion) pre and post protest activities.

9 THE COURT REPORTER: I think you broke up
10 there. So I just have, "But Seattle Public Utilities
11 was asked to pre and post activities." There's a word
12 missing, I think.

13 THE WITNESS: Sorry. I apologize. What's
14 the --

15 THE COURT REPORTER: It's not your fault. I
16 think there's a word missing. There was a word that
17 was --

18 A. Oh, we were asked to -- we were asked to
19 conduct a lot of pre and post protest activities, you
20 know, cleanup mostly.

21 BY MR. WEAVER:

22 **Q. Who asked you to do -- who asked Seattle Public**
23 **Utilities to do that?**

24 A. When the city started to experience a lot of
25 protests, the mayor's office and the Emergency

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1 BY MR. WEAVER:

2 **Q. Okay. I would like to put another something in**
3 **the chat here. And this will be Exhibit 3.**

4 A. I don't see anything yet.

5 **Q. It's coming. It should be there in just a**
6 **second. Do you have it?**

7 A. I have it open.

8 **Q. All right. So this is a series of emails from**
9 **Hans Van Dusen.**

10 **Do you see that?**

11 A. (Witness nods head.)

12 **Q. Who is Hans Van Dusen?**

13 A. Hans Van Dusen is our contract manager for our
14 solid waste services.

15 **Q. Okay. And what was -- what was his role in**
16 **sending out updates like the ones we see here in this --**
17 **in this email chain?**

18 A. So Seattle Public Utilities began sending these
19 kinds of updates internally well before the period that
20 we're discussing. We started doing this during the --
21 the -- the city protests in order to keep tabs of all of
22 our responsibilities and our actions during the period
23 of protest. So this is -- this -- this -- this format
24 is a continuation of the one that -- that Hans started
25 to coordinate.

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1 Operations Center coordinated discussions to make sure
2 that we were -- you know, that everybody was -- was, you
3 know, pulling together to -- to make sure that the city
4 stayed as safe and clean as possible.

5 **Q. Okay. This email chain is titled, "SPU Support**
6 **for 'March for Justice' Events."**

7 **Do you see that?**

8 A. Yes.

9 **Q. Was SPU's role during this time period in**
10 **June of 2020 to support the March for Justice events?**

11 MR. CRAMER: Objection. Form.

12 A. Our responsibility around the different
13 protests were if you -- if I may, just to do things like
14 make sure that we removed any projectiles or any kinds
15 of, you know, things that might be problematic in the
16 right-of-way, to empty dumpsters and litter cans, and,
17 you know, and be -- prior to protest, and then
18 afterwards to clean up the litter.

19 BY MR. WEAVER:

20 **Q. Did you view your role as chief of Seattle**
21 **Public Utilities as supporting the protests?**

22 MR. CRAMER: Objection. Form.

23 A. Our -- my job at Seattle Public Utilities is to
24 ensure public health and -- you know, and whatever
25 aspects of public health contribute to public safety

5 (Pages 17 to 20)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 as -- as well as I possibly can.

2 BY MR. WEAVER:

3 **Q. So were you doing that in support of the**
4 **protests?**

5 A. My -- I -- our work is conducted in support of
6 our -- of our city, our customers, our rate payers, and
7 our community. And so all of our activities are in
8 order to keep -- to uphold public health, not nec- --
9 not -- not necessarily to support, you know, protests,
10 per se, but to -- if those things happen, for us to make
11 sure that they are conduct -- that we do our part to
12 make sure they are safe and that public health is
13 upheld.

14 **Q. If you could scroll down on -- on this email,**
15 **the fourth page, there is an email from Mr. Van Dusen on**
16 **June 9th at 7:38 a.m.?**

17 A. Okay. All right.

18 **Q. And if you scroll down, again, to the top of**
19 **the next page where it says "Flammable and Container**
20 **Reduction."**

21 **Do you see that?**

22 A. Uh-huh. What do you want me to read on this,
23 please?

24 **Q. The first paragraph on the fifth page, which is**
25 **Flammable and Container Reduction, that paragraph. Do**

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1 **you -- I just want to make sure you see it.**

2 A. (Witness nods head.)

3 **Q. Okay. By the way, so you know, the court**
4 **reporter can't pick up head nods, so it's -- if you say**
5 **"yes" it will actually show up on the record, but I'm**
6 **just letting you know.**

7 A. Yes, I have -- I have read the first paragraph.

8 **Q. Okay. All right.**

9 **So this indicates that most business dumpsters**
10 **from the block around the east precinct were removed at**
11 **the request of the Seattle Police Department.**

12 **Do you recall that they were removed on the 8th**
13 **or 9th?**

14 A. I -- if they -- I -- I'm sure they were. I do
15 not recall the specific date that we removed them
16 because they were -- we -- Seattle Public Utilities
17 removed many dumpsters and returned many dumpsters at
18 different periods depending on, you know, the need to
19 reduce the potential for -- for -- for fires in
20 dumpsters.

21 **Q. Okay. Why was there a concern about fires in**
22 **dumpsters at that time period?**

23 A. Whenever there are protests in this city and
24 other cities, it is a -- you know, there's always the
25 potential for -- for fires in dumpsters to occur. So it

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1 is, you know, common practice for Seattle Public
2 Utilities in case of any kind of, you know, large
3 protest to -- to manage dumpsters and to be thoughtful
4 about, you know, how to manage them.

5 **Q. Okay. So would you say it was constant during**
6 **the period of June 8th to July 1, 2020, in the area**
7 **we've been talking about, that dumpsters not be left**
8 **unmanaged for fear that they might be set on fire?**

9 MR. CRAMER: Objection. Form. Misstates.

10 A. The -- it was -- you know, the -- it is
11 possible that there could have been fires, and so it
12 was, you know -- it was our responsibility to ensure
13 public health as much as we could if there were
14 unmanaged dumpsters for lots of reasons; right? And so,
15 you know, we were just very carefully monitoring the
16 trash and litter and dumpster situation throughout that
17 area and -- and other protest areas in the city.

18 BY MR. WEAVER:

19 **Q. Sure. And the -- but in this area you were**
20 **concerned about fires over a period of three and a half**
21 **weeks or so; is that right?**

22 MR. CRAMER: Objection.

23 A. If I could clarify, it is really -- this --
24 it's really for any kind of protest, if there are going
25 to be any kind of known large ac- -- protest activities

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1 or gatherings, Seattle Public Utilities in all parts of
2 the city, including this one, you know, does manage to
3 make sure that there's no risk of -- of -- of, you know,
4 garbage -- too much garbage or -- and also -- also
5 fires.

6 BY MR. WEAVER:

7 **Q. Okay. Well, specifically in this area, from**
8 **June 8th through July 1, 2020, was the city concerned**
9 **about dumpster fires?**

10 A. We -- we were concerned at points that there
11 might be the potential for dumpster fires, yes.

12 **Q. Okay. And -- and as a result you moved and**
13 **then sometimes moved back and then sometimes maybe moved**
14 **again certain people's dumpsters in the area?**

15 A. We -- we did have some customers who had some
16 trouble just making sure that their dumpsters were taken
17 inside or properly locked and managed, so, you know, we
18 would work with them for -- with alter- -- for
19 alternative approaches, yes.

20 **Q. Okay. Were there some people in the area, some**
21 **customers, who didn't have dumpsters at all during this**
22 **time period of June 8th to July 1st?**

23 A. I would have to go over the record to know if
24 there were any that didn't have any at all, but we had
25 provision -- we provided for there to be large dumpsters

6 (Pages 21 to 24)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 available for anyone all along -- along the perimeter of
 2 the area just in case folks didn't have, you know,
 3 access to their own dumpster at any given point. And
 4 so -- and so we managed those on a daily basis and made
 5 them well -- well known to folks, and would -- would
 6 sometimes help them to, you know, move those things,
 7 move -- move their -- move their trash or to just pick
 8 it up in, you know, pickup bags instead. Definitely we
 9 picked -- we had -- we had a lot -- a lot of bag
 10 collection in the -- in the zone.

11 Q. Okay. Okay. If you could go up to
 12 Mr. Van Dusen's -- the top, the first page. His update
 13 on June 12th at 3:00 p.m.?

14 A. Okay. I'm there.

15 Q. Okay. Great. With regard to what he says
 16 about customer waste services, he indicates that -- SPU
 17 calling and visiting with businesses and residential
 18 customers within the -- and near the zone to clarify any
 19 service changes.

20 Do you recall what that would have been, or do
 21 you know?

22 A. So what is your question?

23 Q. What exactly the -- was going on with service
 24 changes that were requiring calls and visits to
 25 customers in the area.

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1 that some of them, you know, actually really appreciated
 2 and used the large dumpsters that were on the perimeter
 3 of the -- of the area.

4 Q. Okay. So if you could go under the same email,
 5 same page, under "Public waste services," Mr. Van Dusen
 6 indicates that, "much of public degree -- debris
 7 collected from -- from -- I think he -- he says "form,"
 8 but I think he means "'from' bagged consolation [sic] at
 9 12th and Pine."

10 So were there piles of bags in certain areas
 11 that had been designated where people would just leave
 12 their bags of trash for pickup at some point by Seattle
 13 Public Utilities?

14 A. There -- there were probably some designated
 15 areas, but we were also -- we regularly picked up the --
 16 any bags of trash that were left anywhere so actually --
 17 no, now that I recall it, there were -- there were a
 18 couple areas that were -- that I remember being
 19 designated trash bag collection points, but we also did
 20 have a lot of ad hoc litter bags that would be put in
 21 different places that -- you know, in piles, and then we
 22 would go and pick them up on a daily basis.

23 Q. Were there some days where you weren't able to
 24 go and pick those up because it was determined you
 25 should not go in the area at all?

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1 A. On June 12th specifically?

2 Q. On June -- let's start with June 12th, if you
 3 remember June -- if you know anything about June 12th
 4 specifically.

5 A. So June 12th specifically, I don't know
 6 exactly, you know, what the -- you know, I would have to
 7 look at the record to see which dumpsters we had taken
 8 and which ones we were returning, but when I -- when I
 9 read this, you know, what I -- what I remember, you
 10 know, from that time is that we were always aiming to
 11 make sure that if a con- -- if a customer could safely
 12 store their containers, then we would, you know,
 13 absolutely return them and have designated times for
 14 pickup.

15 If they did not have containers that they could
 16 safely store, we were working with them and calling them
 17 to provide for alternative approaches that would -- you
 18 know, such as bagging their garbage, and then we would
 19 have a regular pickup for -- for all of -- all of those
 20 bags.

21 Q. Where would the bags be picked up?

22 A. For some of them, from in front of their
 23 properties and, you know, some preferred, you know, a
 24 designated away -- area away from their properties, I
 25 believe. And we also -- I do also, you know, remember

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1 A. If -- there -- there were a couple days that I
 2 remember that, you know, I -- I had to call it off, but
 3 it -- but I do remember that on the whole, that we were
 4 able to keep things very clean because I was there and
 5 would sometimes move the bags to the large dumpsters, or
 6 other people from Seattle Public Utilities would be
 7 there, and so I do not remember a large accumulation
 8 of -- of litter or trash bags.

9 Q. But you do recall that there were some days
 10 where you couldn't go in and get the trash at all; is
 11 that correct?

12 A. That we would just leave it there for a -- a
 13 day? I -- I'm trying to remember an accumulation where
 14 we would leave it for a whole day, and I don't -- I
 15 don't recall -- I don't recall that, but if we -- that
 16 we wouldn't do anything. But, you know, it -- it's
 17 possible that there might have been, but, you know, we
 18 made -- we did our level best to make sure that all
 19 litter and garbage was picked up that was, you know, in
 20 bags on the -- you know, in the right-of-way.

21 Q. Okay. Going back up to the customer waste
 22 services and the last section in that paragraph --

23 A. Could you go -- tell me what page you want me
 24 to go to?

25 Q. The same -- the same page that we've been on,

7 (Pages 25 to 28)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 the first page. It's just the paragraph on June 12th
2 that indicates Customer Waste Services.

3 A. Okay.

4 Q. And the last sentence of that. I'm
5 specifically going to ask about the last sentence of
6 that paragraph. This seems to indicate that there were
7 still customers without their own waste containers in
8 the area. Is -- was that -- was that accurate, that as
9 of June 12th, there were not -- there were some people
10 who didn't -- still didn't have their garbage cans or
11 dumpsters?

12 A. I believe that there were some customers
13 that -- whose -- whose containers had been taken, but,
14 you know, we coordinated with them so that their trash
15 would be removed even if their containers were not
16 there.

17 Q. And part of what -- part of your coordination
18 of that was to provide large shared dumpsters at a
19 couple intersections in the area; is that right?

20 A. The large dumpsters were a part of an overall
21 strategy to ensure that no debris or, you know, garbage
22 would collect in that area.

23 Q. So am I understanding you to -- your testimony
24 to be that large amounts of garbage did not accumulate
25 in the area during the period of June 8th to July 1,

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1 and trash did not accumulate in the area during the
2 period of June 8th to July 1, 2020?

3 MR. CRAMER: Object to form.

4 A. I feel like that question is ambiguous for me.
5 I don't know exactly what you mean. If you mean, like,
6 did -- was there ever a garbage bag on the street, then
7 garbage bags were put on the street for collection. And
8 so I don't know if that defines an accumulation. I'm
9 not sure -- could you -- maybe you could define for me
10 what you mean for, like -- is -- do you mean for like a
11 duration, a period of time? Like could -- could you
12 be -- could you -- I -- I -- because I know that you --
13 you want me to answer this question. I really want to
14 help you.

15 BY MR. WEAVER:

16 Q. Okay. So there was -- let me ask you this:
17 There was -- on July 1, 2020, do you agree with me the
18 park was closed on July 1, 2020, Cal Anderson Park?

19 A. What do you mean? Do you mean like it was
20 closed by the Parks Department? Is that what you mean?

21 Q. Closed by the City on July 1, 2020. Do you --
22 do you agree with that?

23 A. I would have to look at the notes just to
24 confirm the exact date was July 1st.

25 Q. Okay. So let me ask you this: When -- when

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1 2020?

2 A. Overnight near the park, because there were
3 several houseless people, or many houseless people in
4 the park, you know, there would be a large pile of
5 garbage at times, you know, in -- near the dumpsters,
6 you know, because there was more than the dumpster --
7 but we said we up -- we had to upsize the dumpster
8 there. And that is my -- I believe that's -- that that
9 is the point at which I -- you know, and I think that
10 perhaps that maybe Rio Bravo had so much activity that
11 they might have had some bags next to their dumpsters,
12 but those were always collected.

13 Q. What do you mean by "upsizing the dumpsters"?

14 A. The -- at -- down at 12th and -- sorry -- 11th
15 and Olive, I believe that we moved to a larger dumpster
16 at some point that could accommodate the full -- the
17 full need.

18 Q. For -- and that was for both people who were
19 staying overnight in the area, people who were coming
20 during the day in the area, and then also businesses and
21 residents in the area? Anybody could use it?

22 A. Those dumpsters were provided for everyone's
23 use so that no debris or trash would accumulate in the
24 area.

25 Q. Okay. Again, is it your testimony that debris

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1 the park was initially cleared after CHOP had been there
2 and the barricades were removed from the streets, do you
3 recall whether there was any trash in the area that had
4 to be cleaned up?

5 A. After July 1st?

6 Q. Once --

7 A. Or --

8 Q. -- once the barriers had been cleared from the
9 streets and the people had been moved from the park.

10 A. If I recall, I received -- I received a -- a
11 complaint from Nagle Place where a -- it's an alley that
12 has a lot of construction, and there were houseless
13 folks in the park, and there were -- just -- there was
14 just a lot of activity on the alley, and so I received a
15 complaint that there had been some trash accumulating,
16 and we addressed it -- I believe we addressed it that --
17 immediately that day.

18 I -- after the park was cleared, you know, it's
19 possible that there were also garbage bags at the
20 entrance to the park for the Parks Department to clear
21 if houseless folks were still in the park.

22 Q. How about garbage that wasn't in bags or in
23 dumpsters? Did you ever observe that while you were in
24 the zone between June 8th and July 1, 2020?

25 A. If I recall correctly, the -- the area was

8 (Pages 29 to 32)

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1 reconnaissance, you know, I, you know, just had
2 different -- different information to provide to the
3 City.

4 **Q. Okay. And what was that assessment, do you**
5 **recall, that you did on that day, and whether it changed**
6 **from what it -- what Mr. Buechler had sent to people?**

7 A. My -- my assessment, you know, in that early
8 period was that the protesters were very willing to
9 allow city services to flow through the area, that they
10 understood our public health mission, which I, you know,
11 explained to everybody on site and, you know -- not --
12 not individually every single person, but I did -- you
13 know, I did a lot of communication about what our
14 responsibilities were and the need to make sure that
15 trash and garbage and, you know, no other kinds of
16 refuse, you know, were in the area, and, you know, they
17 understood it and, you know -- you know, were -- were --
18 were happy to see us come through.

19 And so -- you know, and I, you know, checked
20 around to see if it looked like it was dangerous and,
21 you know, assessed that if, you know, as long as I can
22 make sure that there was, you know, just eyes on the --
23 on the street and, you know, that I could make sure that
24 the people could go through, that it was -- that --
25 that -- that there was enough for city ser- -- it was a

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1 A. I do remember standing at barriers just to make
2 sure that all the services were concierged well to come
3 in and out of the area.

4 **Q. Why did you feel it was necessary for you to**
5 **stand at the barriers to ensure that would happen?**

6 A. It's a very -- that -- you know, when you look
7 at an area like that where there's no, you know, real
8 organization, there are sometimes different people who
9 are in different spots who don't know about our
10 services, who are, you know, maybe new, had just come in
11 and didn't understand our public mission yet and so, you
12 know, sometimes I had to go and talk to them and
13 explain, you know, that, you know, city services needed
14 to continue to flow through, and -- you know, so it was
15 more kind of education relationship building and then
16 also, you know, concierging the entrance in and out so
17 that everybody could see each other and, you know,
18 develop the relationships necessary so that if a -- you
19 know, so that traffic could continue to flow through
20 from our services.

21 **Q. Is that something that you typically do in your**
22 **job as the head of Seattle Public Utilities?**

23 A. It is -- my job has a lot of different demands,
24 and -- and I have to be flexible and modify what I do
25 based on the demands of any given time. This has been a

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1 safe enough area for us to continue to provide services.

2 **Q. Was it the case that sometimes you had to**
3 **personally stand guard at an entrance to the area so**
4 **that trucks could come in and out of the zone?**

5 MR. CRAMER: Objection. Form.

6 A. I wouldn't use the word "guard," per se. I
7 think I did have a couple days where there was a little
8 bit of delay -- you know, just con- -- I think
9 miscommunication if there was somebody doing dispatch if
10 Chad wasn't there that, you know, I just needed to make
11 sure that it was -- all of the coordination was
12 happening as fluidly as possible, and there might have
13 been a -- you know, a hiccup or two. But generally, you
14 know, I -- I don't think that "guard" -- I did not -- I
15 did not provide guard services. I might have to go to,
16 you know, say, someone who had a barrier up and say,
17 hey, just -- you know, you -- that doesn't need to be
18 there during the day. You have to -- or at all, you
19 know. Just please -- please remove it. And people were
20 always very compliant and understood, you know, the need
21 for services to flow.

22 BY MR. WEAVER:

23 **Q. Do you recall times where you were standing at**
24 **a barrier waiting for trucks so that you could ensure**
25 **that they could get into the area?**

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1 really stressful time with COVID and, you know, the
2 civil unrest and, you know, all kind -- you know, this
3 has been an extraordinary period. And so in my role at
4 Seattle Public Utilities, I constantly have to adapt and
5 do what is needed to ensure that our -- that our
6 services continue to all of our -- our customers and our
7 community.

8 **Q. Can you recall another time in your times -- I**
9 **mean, you've been at the City for about five years now;**
10 **right?**

11 A. That's correct.

12 **Q. Can you recall another time in your job, your**
13 **current job, where you spent the better part of three or**
14 **four weeks concierging entry into a certain area for**
15 **your garbage trucks?**

16 A. I can say without a doubt I have not had to
17 spend that amount of time concierging that particular
18 service, but there have been other times when I have
19 been on the ground and, you know, gone to talk to
20 businesses and, you know, tried to coordinate things to
21 make sure that, you know, our community knows that
22 we're -- we're -- that we're there for them and doing
23 whatever we can.

24 **Q. So have you had to concierge entry of garbage**
25 **trucks in an area at any other time, even if it was once**

10 (Pages 37 to 40)

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1 or twice, during your time as director of Seattle Public
2 Utilities?

3 A. There -- I'm trying to think. I can't remember
4 a time right now, but there have been times when I've
5 had to, you know, personally, you know, go into the
6 field and ask crews to -- you know, say there was an
7 event, you know, like a parade or a -- you know, some
8 kind of protest, you know, to -- to, you know, just
9 help -- help our crews and the community, you know, come
10 to an agreement about timing and location, and so, you
11 know, in a way concierging our services, yes, is not --
12 is not -- is not something I have not done before.

13 Q. Okay. Have you ever done it for more than one
14 day for any particular event?

15 A. I don't recall doing that.

16 Q. Why did you feel it was necessary for you to be
17 on site every day, except for a couple days where you
18 were out of town, from July [sic] 8th to July 1, 2020?

19 A. Because it -- well, I -- this was a situation
20 that was a very unprecedented situation. You know, with
21 the period beforehand and the -- you know, all of the
22 civil unrest, all of the -- you know, the protest
23 activities, you know, it just -- it was -- it -- it --
24 it just -- to -- you know, it was very fluid; right?
25 There were a lot of -- there were a lot of things going

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1 entrance every single time that services did flow, and
2 there were -- there were no conflicts, you know. So I
3 don't -- it was not -- it was not an overwhelming, you
4 know, worry. It was just something that I just wanted
5 to make sure that there would not have to -- you know,
6 that everything was smooth.

7 Q. Okay.

8 MR. CRAMER: Tyler, some of these --

9 MR. WEAVER: What's that?

10 MR. CRAMER: Some of these are verging kind
11 of outside of the 30(b)(6) as to how, you know, how Mami
12 was personally --

13 MR. WEAVER: I understand that, but some of
14 these questions -- some of these answers, I have to -- I
15 can't just let them sit. I'm trying to keep it focused
16 on the 30(b)(6) to the extent I can. I do appreciate
17 that.

18 (Exhibit No. 5 marked.)

19 BY MR. WEAVER:

20 Q. I have dropped into the chat an Exhibit 5, and
21 again, this is an email chain.

22 A. I have it open now.

23 Q. Okay. I'd like you to scroll down to June 10,
24 2020. There's an email from Jana Elliott at the bottom
25 of Page 3.

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1 on, and it felt like the right thing to do in order to
2 make sure that, you know, we could have as much
3 continuity as -- as we possibly could and to make sure
4 that the residents and the businesses, everybody who was
5 there, you know, felt as safe and cared for in terms of
6 their, you know, services as possible, in terms of
7 their, you know, utility services as possible.

8 Q. Were you concerned that if you were not there
9 in a personal role to concierge entry, that there would
10 be conflict between Seattle Public Utility workers and
11 people who were manning the barriers in the area?

12 A. So, you know, as I said before, in that
13 situation there were sometimes people who were
14 unfamiliar with our services. I don't know that there
15 would necessarily have been -- that I was worried about,
16 you know -- you know, con- -- you know, any kind of
17 serious conflict, but I -- I do feel that it was, you
18 know -- it was important to try to make sure that
19 everybody was as calm and -- you know, and -- and things
20 went as smoothly as possible, and that, you know, that
21 we -- that our -- that -- that the people hauling waste
22 wouldn't have to, you know, worry at all about, you
23 know, having a conversation or, you know, just that it
24 was -- but I think that at times -- lots of times, you
25 know, I -- I -- I mean, I can't be at every single

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1 A. Bottom of Page 3. Is it the one where it
2 says -- that goes into Page 4, it says, "Due to
3 continued activity tonight?"

4 Q. Yes.

5 Who is Jana Elliott, if I'm pronouncing it
6 correctly?

7 A. If I go to her -- her signature page, I -- I do
8 not believe that I've met Jana. She is -- she -- she
9 has some overlap in responsibilities with Chad. She
10 handles emergency management and facil- -- it says that
11 she's the director of Facilities Security Emergency
12 Management at, I believe, City Light.

13 Q. Okay. Is Seattle City Light part of Seattle
14 Public Utilities? Does that come under the umbrella?

15 A. No, no. A lot of people make that -- are
16 confused about that, but we are separate departments.

17 Q. Okay. All right. I won't ask you anything
18 else about Exhibit 5 then.

19 But do you know -- but I will ask you
20 generally, are you aware of whether Seattle City Light
21 was having service issues within the area that we've
22 been talking about during the time period?

23 A. I don't think I can speak to that because that
24 would just be speculation on my part.

25 Q. Okay. So you don't know whether there were

11 (Pages 41 to 44)

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<p style="text-align: right;">Page 61</p> <p>1 right?</p> <p>2 A. I think there were a couple of occasions when</p> <p>3 there were -- a stage was erected on the side of the</p> <p>4 street next to the east precinct, and so I don't know</p> <p>5 how much the stage was intruding into the -- you know,</p> <p>6 into the right-of-way -- or into the car way.</p> <p>7 Q. How did the provision of -- how did the</p> <p>8 modification of City -- City services to businesses and</p> <p>9 residents in the area facilitate the exercise of first</p> <p>10 amendment activity in that area?</p> <p>11 A. Could you repeat your question?</p> <p>12 Q. All right. If you can go back to Exhibit 2.</p> <p>13 And at the top of Page 3 of that exhibit, Page 2 of the</p> <p>14 order.</p> <p>15 A. Page 3 of this exhibit?</p> <p>16 Q. Page 3 of the exhibit, yep.</p> <p>17 A. All right.</p> <p>18 Q. This indicates that in the area defined here,</p> <p>19 the City has reasonably facilitated an ongoing exercise</p> <p>20 of first amendment rights and demonstrations by, among</p> <p>21 other things, facilitating modified services delivery to</p> <p>22 local residents and businesses.</p> <p>23 Do you see that?</p> <p>24 MR. CRAMER: So objection. Outside the</p> <p>25 scope of the 30(b)(6) with respect to testimony</p>	<p style="text-align: right;">Page 63</p> <p>1 prevent -- this was during COVID as well, you know,</p> <p>2 to -- with a large congregation of people from all</p> <p>3 overcoming in on a daily basis. It -- you know, our</p> <p>4 responsibility was also to make sure that we could do</p> <p>5 what we could to stem any kind of, you know, public</p> <p>6 health outbreak by providing, you know, services.</p> <p>7 BY MR. WEAVER:</p> <p>8 Q. Okay. So you can't speak to how</p> <p>9 facilitating -- how facilitating modified city services</p> <p>10 delivery reasonably facilitated the ongoing exercise of</p> <p>11 first amendment activities; correct?</p> <p>12 A. I -- like I said, I can't --</p> <p>13 MR. CRAMER: Same objection.</p> <p>14 A. Yeah, I -- I -- I cannot speak to that because</p> <p>15 that's -- our -- our -- what drove us was public health</p> <p>16 management.</p> <p>17 BY MR. WEAVER:</p> <p>18 Q. Okay. Another topic that you have been</p> <p>19 designated for is to talk about the provision of basic</p> <p>20 hygiene, water, litter, and garbage removal to the CHOP</p> <p>21 area and to the protesters.</p> <p>22 You're -- and I think we established you're</p> <p>23 aware that you've been designated for that; right?</p> <p>24 A. Yes.</p> <p>25 Q. What can you tell me about the water that was</p>
<p style="text-align: right;">Page 62</p> <p>1 regarding the ongoing exercise of first amendment</p> <p>2 rights. That's not in the topics, but she can answer as</p> <p>3 to her personal understanding.</p> <p>4 A. So for Seattle Public Utilities, our job is to</p> <p>5 uphold public health and safety as related to, you know,</p> <p>6 sanitation and, you know, the provision of our</p> <p>7 service -- essential services. And so, you know, our</p> <p>8 work was related to, you know, our core mission, you</p> <p>9 know, which was to -- to ensure public health.</p> <p>10 BY MR. WEAVER:</p> <p>11 Q. So you can't speak to how the modified city</p> <p>12 services delivery to local residents and businesses</p> <p>13 facilitated the ongoing exercise of first amendment</p> <p>14 activity in the area; is that right?</p> <p>15 MR. CRAMER: Same objection. It's outside</p> <p>16 the scope of the 30(b)(6) Topic No. 36.</p> <p>17 A. Again, we -- the reason that Seattle Public</p> <p>18 Utilities was engaged was in order to uphold public</p> <p>19 health, to make sure that feces didn't accumulate in the</p> <p>20 street, that garbage and litter was picked up, that</p> <p>21 there were no vermin. You know, it was -- you know, it</p> <p>22 was really our -- you know, that -- that -- that is our</p> <p>23 task. If -- wherever people are and those risks are</p> <p>24 there, it -- you know, we aim to try to, you know --</p> <p>25 to -- to -- to provide the necessary services to</p>	<p style="text-align: right;">Page 64</p> <p>1 provided to protesters and people living in the area</p> <p>2 during the period of June 8, 2020, to July 1, 2020?</p> <p>3 A. We had a few hand washing stations that had</p> <p>4 water tanks that needed to be refilled to allow for hand</p> <p>5 washing, you know, with soap and water. And we --</p> <p>6 also -- I don't know that we provided it, but, you know,</p> <p>7 the water was on -- largely on at the park, you know,</p> <p>8 and so, you know, they were using our system in order to</p> <p>9 have the water on at the shelter house for the park.</p> <p>10 Q. Okay. So what water in the park? Was -- was</p> <p>11 there a hose, was there a faucet? What sort of water</p> <p>12 source was being provided in Cal Anderson Park?</p> <p>13 A. In Cal Anderson there was a -- a -- a hand</p> <p>14 washing station, a durable hand washing station with a</p> <p>15 50-gallon tank, and that was just for hand washing, and</p> <p>16 then I believe that just -- because it's there, there's</p> <p>17 a hose bib at the shelter house that was -- that's</p> <p>18 normally used for maintaining the grounds, yeah.</p> <p>19 Q. Okay. Were you aware during your trips to the</p> <p>20 area that the hose was being used for use by a garden</p> <p>21 that had been dug into the Cal Anderson Park at that</p> <p>22 time?</p> <p>23 A. From -- to -- to -- when the garden was</p> <p>24 developed in the park, I believe -- you know, that -- I</p> <p>25 believe that the only access to water that they had was</p>

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1 the hose bib that was attached to the shelter house.
 2 **Q. Do you know whether the water from that hose**
 3 **bib was being used as drinking water or some other water**
 4 **source by people who were occupying the park?**

5 A. No, I'm not -- I'm not aware.

6 **Q. Do you recall at some point that Seattle Public**
 7 **Utilities shut that water source off in the park?**

8 A. There was one instance where we were asked to
 9 shut off the water and -- and then restore it shortly
 10 thereafter.

11 **Q. Okay. Do you know why it was restored shortly**
 12 **thereafter?**

13 A. The -- the -- I mean, it's just -- it's a -- to
 14 have water when you're -- when you have that many people
 15 or, you know -- I'm going to assume that it was just
 16 because we needed to ensure that there was -- you know,
 17 that there was a supply of -- of fresh drinking water if
 18 needed.

19 **Q. There was a concern with -- with the number of**
 20 **people that were in the park, that they wouldn't have**
 21 **drinking water if that water was shut off; correct?**

22 A. You know, just water, you know, for any kind
 23 of -- you know, whenever there's a congregation of
 24 people is a pretty basic provision. There was a lot of
 25 drinking water because of donations. There were a lot

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1 was, but it seem- -- but if I remember correctly, it was
 2 potentially part of a whole set of actions designed to
 3 help to clear the park.

4 **Q. Okay. What do you know about any electricity**
 5 **services that were provided to the area and specifically**
 6 **to Cal Anderson Park that were not normally provided to**
 7 **the area during that time period?**

8 A. There were a lot of requests for additional
 9 electrical service to the park. You know, people wanted
 10 to charge their phones and things. But it was not --
 11 but that was not, to my knowledge, in any way, you know,
 12 provided. At additional -- no -- I do not believe that
 13 any additional electrical service was provided.

14 **Q. How about additional lighting in Cal Anderson**
 15 **Park during hours that there would not normally be**
 16 **lighting? Are you aware of anything to that effect?**

17 A. I believe that for safety reasons some of --
 18 sometimes the field lights were left on for longer than
 19 they would normally be on -- be left on, but those were,
 20 you know, kind of existing lights and just management of
 21 the hours that those lights were on.

22 **Q. Why -- why was that seen as necessary for**
 23 **safety purposes?**

24 A. It was -- if I remember correctly, it was the
 25 request of, you know, folks just feeling like it would

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1 of plas- -- there were an insane amount of plastic
 2 drinking water bottles, you know, always there from
 3 community donations, from residents and businesses,
 4 but -- but, you know, we always feel that it's important
 5 when there is -- when there are people, that there
 6 should be access to water.

7 **Q. Why was the water shut off during that one time**
 8 **period you discussed in this time period?**

9 A. If -- if I remember correctly, mayor's office
 10 wanted to make sure that -- you know, that there was --
 11 that -- that there were -- that the -- I'm trying to
 12 remember exactly what their rationale was. It might
 13 have -- if I'm -- I'm trying to remember the date and
 14 the time. Is there an indication of -- in this email of
 15 when that was? Because they may have been trying to
 16 initially start to clear the park and, you know, that
 17 that would be part of, you know, that work.

18 **Q. I believe from what I've seen -- I'm not sure I**
 19 **have an exhibit here today about it, but I believe what**
 20 **I have seen is the water was shut off somewhere around**
 21 **June 22nd.**

22 **Was it your understanding that one of the**
 23 **purposes to shut off the water was so that people would**
 24 **leave the area?**

25 A. I don't know exactly what the thought process

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1 be -- it would -- it would feel safer to have the lights
 2 on for longer.

3 **Q. Okay. Who were the people that requested it?**

4 A. I don't know who was requesting it. I
 5 apologize.

6 **Q. Okay. You didn't get any of those requests**
 7 **yourself, personally?**

8 A. I may have, but I don't remember those -- I
 9 mean, I had a lot of requests all the time for all kinds
 10 of things.

11 **Q. So you don't know whether it was the people who**
 12 **were in the park overnight who were requesting that the**
 13 **lights be on all night, or longer than usual?**

14 A. I don't remember who asked me or who asked the
 15 parks, you know, to manage their light -- that -- the
 16 hours of the lights, but it's possible that, you know,
 17 people in the park asked, or -- or residents, you know.
 18 I'm not sure.

19 **Q. But there -- never mind. I'll let it go.**

20 **So what sort of -- did the City provide**
 21 **portable toilets to the area that are not normally there**
 22 **during the period of June -- June 9th to June 30,**
 23 **2020 -- or sorry, June -- June 9th to July 1, 2020?**

24 A. The -- the context for what's normally there is
 25 a little -- was a little different at that time because

17 (Pages 65 to 68)

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1 there had been a lot of protests. There were two things
2 that were going on that kind of changed the normal
3 context for that area and the provision of -- of -- of
4 porta potties, is that there had been a lot of protests
5 there and a lot of people -- you know, just hundreds, if
6 not thousands of people in that area nightly for
7 protests, and then also, I believe that the bathroom at
8 the shelter house in Cal Anderson had been broken.

9 And so there had been some porta potties down
10 near 11th and Olive already, and then we -- and then the
11 City also had some up near -- like between 12th and 11th
12 and Pine already. And so even before the period that
13 you indicated there were -- there -- there had been
14 porta potties resident in the area.

15 And then with the number of people constantly
16 flowing through the area, we provided additional
17 porta potties to make sure that there wouldn't be a
18 public health, you know, outbreak, or any -- you know,
19 or -- you know, or an exacerbation of the pandemic.

20 **Q. Do you recall how many porta potties were in**
21 **the area that we've been talking about?**

22 A. That first --

23 MR. CRAMER: Objection to form.

24 A. I don't remember exactly how many were in that
25 area, but we have service records that can tell you how

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1 **Q. And it looks like they were -- if I'm reading**
2 **this correctly, they were -- they were daily pumped --**
3 **they were pumped out daily during this period in**
4 **June 2020; is that right?**

5 A. They were pumped out at least daily in
6 June 2020. I think we may have had some modification
7 based on demand.

8 **Q. And -- and sometimes -- I think we've seen that**
9 **sometimes there were days where they were told not to go**
10 **in as well; is that right?**

11 A. Those were rare days, yes, but maybe near the
12 end, but we, you know, freq- -- we -- we worked very
13 hard to make sure that they didn't overflow.

14 **Q. Okay. How was it determined that there should**
15 **be 21 Sani-Cans in this general area?**

16 A. You know, we monitored them, and if -- and I
17 mean, this is a little gross, but if they were, you
18 know, at capacity and we were nearing any kind of, you
19 know, real issue with capacity -- if they were -- I
20 mean, I cannot describe to you how many tourists there
21 were. That, you know, we would -- we would sometimes
22 add some, you know, to accommodate, you know, the -- the
23 additional crowds. But we also would remove them if
24 they -- you know, if they were -- if they were no longer
25 needed. So it was really based on monitoring.

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1 many there were before and then during that week.
2 (Exhibit No. 10 marked.)

3 BY MR. WEAVER:

4 **Q. I'm going to drop Exhibit 10 in. It should be**
5 **on its way.**

6 A. Okay. I have it open now.

7 **Q. Okay. This is an email with an attachment,**
8 **again from Mr. Van Dusen, and if you could go to the --**
9 **the second page. You may need to rotate it, but maybe**
10 **you're better at reading sideways than I am.**

11 A. I see what you're saying. This is from
12 June 14th. Okay. I'm looking at the map now.

13 **Q. Okay. So this seems to indicate on the left**
14 **that there were a total of 21 City Sani-Cans at this**
15 **point.**

16 **Do you see that?**

17 A. It says that there are nine, plus eight, plus
18 four around the perimeter of the -- of the site.

19 **Q. Okay. So that adds up to 21; right?**

20 A. (Witness nods head.)

21 **Q. Okay. And they were -- were these owned by the**
22 **City of Seattle or were they contracted out to a third**
23 **party to provide these services?**

24 A. I believe that the majority of them were -- are
25 owned and managed via contract by Honey Bucket.

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1 **Q. Okay. Do you -- do you know whether you**
2 **added -- as of, you know -- this appears to be as of**
3 **June 12th, or June 14th. The attachment says June 12th,**
4 **but I think the email -- the cover email is June 14th.**

5 **Do you know whether between this period and**
6 **July 1st there were more Sani-Cans added or whether some**
7 **were removed prior to July 1st?**

8 A. Yeah, I -- I'm -- I apologize. I don't
9 remember the dates for, you know, the addition or
10 removal of the different cans, but I -- all I remember
11 is that we were just monitoring them to make sure that
12 we tried to have the right balance in order to ensure
13 public safety, or public health, I mean.

14 **Q. Okay. Was there ever -- was there ever any**
15 **discussion or concern that by adding these additional**
16 **Sani-Cans, and having 21 Sani-Cans in the area would**
17 **encourage people to continue to occupy the area?**

18 A. If I -- after I answer this -- after I answer
19 this question will we take a restroom break, please?

20 **Q. Sure. Absolutely.**

21 A. All this potty talk.

22 **Q. All the talking about Sani-Cans, huh?**

23 A. So you know, if I remember correctly, yes, some
24 people -- a few people had that hyp- -- or not even that
25 many. A couple people had that hypothesis and posed it

18 (Pages 69 to 72)

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1 to -- to me. You know, I think it was businesses that
2 asked that question.

3 But, you know, our determination was really
4 based on, you know, demand; right? I mean, our job is
5 to ensure that there -- is -- that urine and feces are
6 not in the street, particularly during COVID, you know,
7 when -- you know, when people knew that human waste
8 was -- is a vector of the disease, you know, along with
9 all of the other, you know, horrible typical things that
10 come with that happening, you know, that -- that is what
11 predicated, you know, how we managed the number.

12 MR. WEAVER: Okay. Let's go ahead and take
13 a break. Let's take what, 15 minutes? Is that
14 sufficient for people?

15 THE WITNESS: Yes, that's --

16 MR. WEAVER: Let's go off the record.

17 THE VIDEOGRAPHER: Going off the record.

18 The time now is approximately 10:49 a.m.

19 (Recess from 10:49 a.m. to 11:06 a.m.)

20 THE VIDEOGRAPHER: Going back on the record.

21 The time now is approximately 11:07 a.m.

22 E X A M I N A T I O N (Continuing)

23 BY MR. WEAVER:

24 Q. So I understand you have something to add to
25 what you previously said about the provision of water;

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1 A. I do now.

2 Q. So this indicates there were -- at least of
3 June 12, 2020, 21 Sani-Cans in the area; correct?

4 A. Yes.

5 Q. Are those -- are those Sani-Cans normally in
6 the area?

7 A. So for context, there were -- I don't know how
8 many cans there were already in the area prior to the
9 time period you're discussing, but there were several
10 cans in this area. I believe there were -- I don't know
11 the exact number, but I believe there were a minimum of
12 six up at -- near 12th and Pine, and that there were a
13 few down at 11th and Olive, as well, you know, and
14 possibly at -- at 11th and Union because of the protests
15 and all of the crowds that had been congregating in
16 Capitol Hill for the entire period of civil unrest that
17 was before this period.

18 Q. Okay. So generally the period of late May to
19 June 8th, there were some Sani-Cans in the general
20 vicinity that were provided by the City; is that
21 correct?

22 A. Yeah, I don't -- I don't remember what date
23 they started to be provided, but they'd -- before --
24 yes, before -- during the period of unrest provoked by,
25 you know, George Floyd's murder, there were -- there

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1 is that correct?

2 A. Yes. I remembered that at a certain point a
3 kind of like food service developed near the shelter
4 house. It wasn't there, you know, through -- like all
5 through the period, and they relied on the water most
6 likely from the hose bib in order to wash their hands,
7 you know, and wash -- and wash dishes. So that would be
8 a -- you know, a use for the water that was -- that was
9 flowing through -- you know, through the Parks property
10 from our system.

11 Q. Okay. Any other uses that I haven't -- I
12 haven't heard about yet that you know of?

13 A. I apologize. I don't remember everything. I
14 remember the food service and the garden that were, you
15 know, coming through there, but also, you know,
16 people -- people may have also been using it to wash
17 their hands, you know, if they didn't want to go all the
18 way over to the sinks that we provided.

19 Q. Okay. And they may have been using it as
20 drinking water too; is that correct?

21 A. It's -- it's possible. It's possible. I don't
22 remember seeing people doing that, but I -- you know,
23 it's very possible.

24 Q. Okay. Going back to Exhibit 10 and the map we
25 were looking at, do you have it in front of you?

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1 were San- -- there were cans provided to accommodate all
2 of the crowds in that zone.

3 Q. Okay. Were there cans provided in that area
4 prior to the George Floyd protests in May of 2020?

5 A. Don't know. But they -- I believe the ones in
6 the park were, or the ones adjacent to the park were
7 provided because the shelter house bathroom facilities
8 were broken. So there were cans there.

9 Q. Okay. Other than that, do you know of any cans
10 that were provided and paid for by the City in the area
11 prior to the George Floyd protests?

12 MR. CRAMER: Objection. Outside the scope.
13 Go ahead.

14 A. I don't know.

15 BY MR. WEAVER:

16 Q. Okay. Do you know whether these cans remained
17 in place after July 1, 2020?

18 MR. CRAMER: Objection. Form as to vague,
19 "these cans."

20 A. Do you mean the -- the 21 that are on the map?

21 BY MR. WEAVER:

22 Q. The 21 on this map, yes.

23 A. I know that a lot of them were removed, but I
24 don't know if all of them were removed because, you
25 know, of the park need, you know, the -- the demand at

19 (Pages 73 to 76)

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1 the park.

2 **Q. Okay. I'll get to that later.**

3 **Do you know whether there was any food provided**
 4 **to -- by the City or by contractors on behalf of the**
 5 **City to people in the area during the period we've been**
 6 **talking about?**

7 A. I do not know of any food provided at any scale
 8 by the City to protesters. I mean, somebody may have
 9 passed somebody a candy bar, you know -- you know, but I
 10 don't think that -- I do not remember any kind of, you
 11 know, food being supplied.

12 **Q. I'd like to ask you about the social services**
 13 **outreach that you've been designated to talk about.**

14 **What can you tell me about the social services**
 15 **outreach that was provided to people in the area during**
 16 **the time we've been talking about?**

17 A. During the -- during that period there were a
 18 lot of houseless folks who were living in the park, and
 19 so a -- a good deal of the outreach that was provided
 20 was to try to get them into other types of housing, you
 21 know, and services so that they would have a more
 22 viable, you know, way, you know, of living other than
 23 being in the park.

24 **Q. Okay. Do you know when those services started**
 25 **being provided?**

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1 A. I don't know the date.

2 **Q. Okay. Was it -- do you know whether it was at**
 3 **the beginning or the end of the CHOP era, so to speak?**

4 A. I don't know whether it was at the -- near the
 5 middle, you know, or closer to the end. I don't -- I
 6 think, you know, at the very, very beginning, I don't
 7 believe that there were significant social services
 8 being provided, but, you know, the effort to move people
 9 into, you know, more -- more viable forms of -- of -- of
 10 housing were -- were -- you know, I think started to be
 11 offered, you know, in an effort to also, you know,
 12 make -- you know, to help them get out of the park.

13 **Q. Who offered -- who was specifically involved in**
 14 **offering those services and talking to people about**
 15 **those services?**

16 A. It was a team effort that was coordinated by
 17 the Human Services Department. They had outreach folks
 18 there, both inside and outside the park. They had a
 19 table that people could go to right outside the
 20 perimeter, and then they had a couple people who would
 21 walk the park, and then they also had REACH, which is a
 22 service provider of theirs, going into the park -- into
 23 the park, and -- and I also helped -- Idris and I also
 24 helped to try to connect people to housing and services,
 25 and -- at least to HS -- to connect them to HSD.

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1 **Q. Who -- do you know who first said that we --**
 2 **who first directed that there should be a focus on**
 3 **social services to people in the area?**

4 A. I -- I -- I don't know how it was phrased or --
 5 you know, or what the approach was or who -- who made
 6 the determination.

7 **Q. Do you know whether it was pursuant to a**
 8 **directive from the mayor's office?**

9 A. I apologize. I don't know where the direction
 10 came from, but certainly the mayor's office was aware
 11 that there -- and, you know, supportive of the idea of
 12 trying to help folks who were in the park move on from
 13 the park and get into other forms of housing.

14 (Exhibit No. 11 marked.)

15 BY MR. WEAVER:

16 **Q. Okay. I'm going to drop another exhibit in**
 17 **here. Exhibit 11 should be there.**

18 A. And this is just one page.

19 **Q. Do you know who Kevin -- do you know who Kevin**
 20 **Mundt is?**

21 A. I'm sorry, I don't know who Kevin is. I do
 22 know the folks -- the other folks on this email chain.

23 **Q. Okay. Who are the other people on this email**
 24 **chain?**

25 A. Jason Johnson used to be the City's director of

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1 the Human Services Department.

2 Will Lemke is a communications specialist who
 3 at that point, I believe that he -- I -- I can't -- he
 4 used to work for the mayor's office at one point, and I
 5 don't know when he transitioned to another department, I
 6 believe it was Human Services.

7 Tara Beck was in charge of, you know, several,
 8 I think, aspects of homelessness services in the Human
 9 Services Department.

10 Casey Sixkiller was the deputy mayor over
 11 operations.

12 And Tess Colby was a mayoral advisor on
 13 homelessness.

14 **Q. Okay. This email, originally from Mr. Mundt,**
 15 **seems to indicate that there was outreach done between**
 16 **June 23rd and July 2nd. Do you recall whether there**
 17 **was -- or know whether there was outreach done for these**
 18 **sorts of services prior to June 23rd?**

19 A. I -- I don't recall the date that services
 20 were -- where -- where we began -- where the City began
 21 to try to provide outreach and ser- -- you know,
 22 services to houseless folks. I don't -- I don't know
 23 the date.

24 **Q. Okay.**

25 A. But I -- I do feel that there was a lot of

20 (Pages 77 to 80)

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Q. Okay. How did you find out?

A. I wish I could remember. It was either through -- probably -- most likely through the Emergency Operations Center, I believe.

Q. Okay. At some point did you hear that protesters had repurposed barriers that had previously been in the area and moved them into the surrounding streets?

A. I think that that was concurrent with my finding out about the -- the first issue.

Q. Do you know anything about the decision making that went into the decision to evacuate people and items from the east precinct?

MR. CRAMER: Objection. Form.

A. Is your question did I know anything in advance if some -- if that kind of decision making was happening?

BY MR. WEAVER:

Q. I think you've made it clear you didn't know anything in advance. I'm wondering if since then, whether you have learned, from talking to people or reviewing documents, what happened that led to the evacuation of the east precinct?

A. I've read the articles that have come out recently.

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there -- like, you know, that I just knew in advance. I mean, it just -- in a situation that is unusual -- this was a really unusual, unprecedented situation. I just felt that it was important for me to -- you know, if I was going to be responsible for providing essential services, that, you know, I should be able to really understand the situation, you know, in real time and make sure that, you know, we were doing a good job.

Q. At some point were you asked either by somebody in the mayor's office or someone else to engage in discussions with the protesters?

A. Well, you know, it's funny, if you're there all the time, right, because I was there about 12 hours a day, I got to know the businesses and the residents and the -- and the protesters and, you know, everybody who was there, and -- you know, and really trying to, you know, just make sure that things were as -- you know, going well as possible in order to provide our services.

And so, you know, the mayor's office, I think at some point realized that, you know, I had constructive, respectful relationships with -- with everybody that was there, and so they would ask me to, you know, help coordinate different -- different things.

Q. Okay. And were you there -- how often was Idris Beauregard there with you?

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Q. Okay. Other than general news articles, you don't know anything?

A. Those articles reveal a lot, so yeah, I mean --

Q. Okay.

A. I feel like I know a lot now.

Q. Okay. When did you first visit the area after the police had evacuated the precinct?

A. As soon as I learned, and I think it would -- let's see. I'm not sure. You know, and -- you know, I just -- I just went over. I just got in my car and went over.

Q. Okay. That was on your own initiative?

A. Yeah.

Q. Okay.

A. Yeah, I just -- I mean, I -- I am responsible for ensuring, you know, public health and the continuity of essential services. And if it was in any way a problematic situation, I needed to do it myself so that I didn't ask a staff person to do it.

Q. Okay. So at some point you decided you were going to go there every day; right?

A. Uh-huh.

Q. When did you make that decision?

A. I don't know if I really decided that I would go every day. It wasn't like, oh, I'm going to be

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A. Not at the beginning. I would say not for the first maybe ten days, but then after that -- you know, the couple days that I had to go away he took over completely for me. And so before that, you know, we did some, you know, kind of acculturation, where I introduced him to everybody, you know, businesses, residents, you know, protesters, everybody that I could so that, you know, they all had a degree of familiarity with him, so -- before I went away, and then -- you know, and then -- and then he stayed on with me after that.

Q. Okay. Is Idris an employee of Seattle Public Utilities?

A. He is, he is. At the -- at the time he was the director for our Clean City program.

Q. Okay. How did it come about that you were working with Idris on this interaction and monitoring of the area?

A. It was a logical selection on -- on my part because the Clean City program is the program that handles the litter abatement program and also -- you know, and was, you know, whose vendors and staff were helping to, you know, keep the area clean. And Idris is -- you know, has excellent people skills and prioritizes customer service, you know -- you know, and

24 (Pages 93 to 96)

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1 so it was just a -- a good, logical choice in terms of,
2 you know, someone who was, like, really going to
3 prioritize delivery.

4 **Q. Okay. Were you also there frequently with Fire**
5 **Chief Scoggins and Department of Transportation head Sam**
6 **Zimbabwe?**

7 A. Yes, both of them would -- would stop by and,
8 you know, check in, check in with people, you know,
9 conduct other activities to try to ensure their
10 continuity of services.

11 **Q. Okay. What was -- what was your interaction**
12 **with -- with those two in particular, Scoggins and**
13 **Zimbabwe, over this time period?**

14 A. We kept in, you know, close communication about
15 the status of -- you know, of events, and we would act
16 as a team, you know, to work on any City objectives.
17 You know, we were -- we were just -- we were a team,
18 helping each other out.

19 **Q. What were some of the City objectives that you**
20 **were working on with them?**

21 A. Well, they both wanted to -- you know, they
22 were both prioritizing the flow of circulation, you
23 know, through the area, and so, you know, if they needed
24 assistance with talking to folks in order to coordinate,
25 you know, any of those -- any changes to circulation or

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1 every day in some way.

2 **Q. Were you ever on what's known as cabinet**
3 **meetings with other department heads and the mayor?**

4 A. Infrequently if I did -- if I did, you know,
5 because I was in the field, so I would, you know, with
6 the mayor's office permission, you know, miss a lot of
7 the cabinet meetings.

8 **Q. What do you recall during that same time period**
9 **of June 8th to July 1, 2020, your inter- -- what do you**
10 **recall your interactions being, if any, with Mayor**
11 **Durkan, herself?**

12 A. I -- I believe the mayor came to the area
13 and -- on one occasion, and I walked her around, you
14 know, so that she could, you know, see it for herself.
15 She may have already been there, but I was just showing
16 her, you know, around, and introducing her to, you know,
17 people. There was another occasion where the mayor came
18 and we talked to business owners, you know, and spent a
19 good part of a day, you know, listening to their
20 concerns and needs. I believe that was most of it.

21 **Q. Okay. So it sounds like you were with the**
22 **mayor in the -- in the zone on two separate occasions;**
23 **is that right?**

24 A. I -- if I remember it correctly, yes.

25 **Q. Okay. So let's talk about the first one where**

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1 any kinds of modifications to the right-of-way, you
2 know -- you know, I would -- they would -- they would
3 ask me to help out.

4 **Q. Okay. What sort of negotiations were you**
5 **involved in with Chief Scoggins and Mr. Zimbabwe?**

6 A. The -- well, we would sometimes, you know, talk
7 to groups of -- of folks to explain the -- you know, the
8 proposals that SDOT had developed in order to maintain
9 cont- -- you know, continuity of circulation. We would
10 sometimes -- there were a couple of occasions when we
11 would meet with, say, the mayor and some of the
12 protesters, you know, or with just the protesters to
13 just hear, you know, what they were aiming for, and
14 what -- and to express what the City objectives were,
15 and to, you know, try to effect a -- you know, just a
16 peaceful transition to a more, you know, kind of -- I
17 don't know what the right word is, normal -- I mean,
18 to -- you know, to get back to -- you know, to -- to
19 regular -- to regular kind of continuity -- regular
20 scheduling of things and regular access.

21 **Q. How regularly were you in communication at this**
22 **time, meaning just, you know, June 8th through July 1,**
23 **2020, how often were you in communication with the**
24 **mayor's office?**

25 A. I believe I checked in with the mayor's office

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1 **you were showing her around the area. Okay? Where did**
2 **you take the mayor during her visit on that day?**

3 A. I don't remember all of the -- the -- the
4 places. You know, just -- I think it was a walk through
5 the -- the whole -- like through the park and, you know,
6 through some of the streets, yeah. So I don't remember
7 all of the stop points.

8 **Q. Okay. Do you recall her having conversations**
9 **with some of the people in the area during her visit?**

10 A. I think she did -- she did stop and chat with
11 people who -- who recognized her, yes?

12 **Q. Do you recall taking her to the garden that had**
13 **been dug out in Cal Anderson Park?**

14 A. Yes, that's in the park, so yes, she saw that.

15 **Q. Okay. Do you recall her seeing the barriers**
16 **that were in the streets at that time?**

17 A. Yes, she saw that. I don't know if she saw all
18 of them.

19 **Q. Okay.**

20 A. But I'm sure -- I'm sure that she encountered
21 at least one.

22 **Q. Do you recall her speaking with any of the**
23 **people who were manning the barriers when she showed up**
24 **that day?**

25 A. I don't remember that.

25 (Pages 97 to 100)

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1 **Q. Do you recall whether the mayor saw any open**
 2 **carry guns on her visit?**

3 A. I do not remember see- -- that.

4 **Q. Okay. Do you remember generally that there**
 5 **were people openly carrying weaponry in this period of**
 6 **June 8th to July 1, 2020, in the area?**

7 A. It was -- it was not a persistent thing that I
 8 would cite. There was the John Brown club, which is a
 9 group of white abolitionists, you know, I think were --
 10 were there on occasion. There was, you know, another
 11 person named Rick who -- you know, who, you know, had
 12 a -- who had a gun. But, you know, I did not see a lot
 13 of guns.

14 **Q. You saw some, though; is that correct?**

15 A. Yeah, everybody explained to me that Washington
 16 State is an open carry state. I'm not from an open
 17 carry state, and so, you know, it took a lot of
 18 education for me to understand, you know, that that
 19 was -- that -- that was a -- a legal thing here, in --
 20 in Washington State. I was -- I was surprised because I
 21 had not seen guns that often here, but now I -- now I --
 22 now that I know it is an open carry state, I see them
 23 more, I notice them more often.

24 **Q. Okay. Going back to your trips with the mayor,**
 25 **you said there was another day where you took the mayor**

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1 remember.

2 **Q. Okay.**

3 A. The restaurant, the Elliott Bay, and the
 4 Rachel's Ginger Beer.

5 **Q. Do you recall talking to anybody who lived in**
 6 **the area while the mayor was with you?**

7 A. Yes.

8 MR. CRAMER: Objection to form.

9 THE WITNESS: Oh.

10 MR. CRAMER: Go ahead.

11 A. There were several people who worked and lived
 12 in Capitol Hill who were part of the discussions.

13 BY MR. WEAVER:

14 **Q. Okay. Do you recall who those people were?**

15 A. There were -- there were people who run some of
 16 the buildings, like -- I think the real- -- I can't
 17 remember her name, the really nice woman who runs the
 18 buildings, like Sunset Electric and some other
 19 buildings, I think she lives in the area as well.
 20 One -- the -- this -- the -- the manager for the --
 21 one -- a large apartment building at Olive and 11th was
 22 there and is a resident. There were -- there were --
 23 there were -- there were a lot of people, you know, if
 24 you kind of think of the whole list of them, and I'm
 25 sure that in my email chain I have a list of them. I --

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1 **and talked to some businesses and residents.**

2 **Do you recall that?**

3 A. Yes.

4 **Q. Okay. What do you recall about -- can you be**
 5 **more specific about what those interactions were, and**
 6 **who you talked to with her?**

7 A. You know, and I -- I wish I could remember the
 8 date, you know, like kind of where it fell, you know,
 9 because that would help me to kind of -- at least kind
 10 of remember more. But we definitely -- Joey Burgess,
 11 the owner of Queer Bar, you know, was present with us
 12 most of the time, and the owner of Elliott Bay Bookstore
 13 was with us most of the time. We went to stop at
 14 Rachel's Ginger Beer. We talked to -- we -- we stopped
 15 at a number of business -- businesses.

16 **Q. Okay.**

17 A. Yeah, we just -- we -- we -- you know, I think
 18 we first started at Elliott Bay Bookstore, and a bunch
 19 of different business owners came to that site and, you
 20 know, we did a walk-around and, you know, went from
 21 place to place.

22 We stopped at a restaurant that was -- I can't
 23 remember the name of the restaurant, but it was on Pike
 24 and 11th, as well.

25 So those are -- those are three stops that I

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1 you know, I -- you know, and I could provide that to
 2 you.

3 **Q. Okay. So I want to ask whether you heard --**
 4 **whether --**

5 A. And sorry, Miki from Pettiroso, she's a
 6 business owner and a resident, I believe.

7 **Q. So at the interactions during this day when you**
 8 **were speaking with businesses and residents with the**
 9 **mayor, I want to know whether you heard any of these**
 10 **sorts of complaints aired by the people you spoke to:**

11 **Did you hear anything about an inability to**
 12 **access apartments or apartment driveways?**

13 A. I think I didn't hear you. I'm sorry.

14 **Q. Did you hear anything about inability or**
 15 **difficulty entering apartments or apartment parking**
 16 **lots?**

17 A. I remember -- oh, now that you speak of -- I
 18 remember a woman who -- she was -- she lived in the
 19 building right behind the east precinct, and that
 20 alleyway sometimes, you know, I think that she was --
 21 she said that she had some real -- she had some
 22 difficulties getting in and out of that building. Yes,
 23 I remember her mentioning that.

24 **Q. Okay. And while the mayor was with you, did**
 25 **you hear anything about inability for businesses to**

26 (Pages 101 to 104)

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1 operate normally due to the -- the occupation of the
2 area?

3 A. I remember a wide variety of comments and
4 responses. It was -- I was really struck by the
5 heterogeneity of the responses that all of the
6 businesses had. There was -- one of the business
7 owners, you know, he owned a large bar, and he was,
8 like, oh, you know, we've been closed the whole time, so
9 this is not affecting me at all or, you know, my -- you
10 know -- you know, or -- or people like us whose
11 businesses have been closed. I think that there was --
12 there were some that were just unhappy by -- you know,
13 because they felt that there were, you know, just -- you
14 know, that there -- that they didn't -- they didn't --
15 they just felt like the graffiti -- some of the graffiti
16 that was not, you know, welcome.

17 They were -- and some -- some were like, we've
18 seen -- you know, we've -- yes, we've been busy, you
19 know, it's been -- you know, there have been a lot of
20 people in and out, but, you know, this is -- this is a
21 really strange time.

22 So it was a wide variety of -- of comments.

23 Q. Do you recall, while you were with the mayor,
24 any of these businesses indicating that they believed
25 they had lost revenue as a result of the occupation?

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1 there were also varied perspective on this. You know,
2 some people told me that they had no issues whatsoever
3 and felt like it was safer there than it used to be.
4 And then there were people who felt that it was -- you
5 know, that -- that they didn't feel like they could just
6 move easily because of, you know, how they felt about
7 all of this, and -- and maybe they had interactions that
8 I -- you know, that I can't speak to, that -- you know,
9 because I wasn't there in those in- -- you know, but --
10 you know, it's hard for me to really untangle what was
11 real- -- what was real and what was perception.

12 Q. Do you remember hearing complaints when you
13 were with the mayor that -- that people were, in fact,
14 scared for their safety because of what was going on in
15 the streets?

16 A. That -- I do not recall that being a
17 predominant topic of the discussion or a major strand of
18 the -- their -- their -- their own physical safety.
19 Yeah. Although -- yeah.

20 Q. Well, whether or not it was a dominant topic of
21 discussion, did you hear people voice that while you
22 were with the mayor?

23 A. With the mayor? I think -- it's possi- -- it
24 is possible that the business owner at -- that -- that
25 one of them mentioned that. I just can't remember what

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1 A. I don't remember exactly about who -- who --
2 who might have said that.

3 Q. Do you recall that someone said that?

4 A. I mean, I -- I -- I honestly don't remember
5 specific inc- -- incid- -- incidents of that, but it's
6 possible.

7 Q. Did you hear that at other times, maybe when
8 the mayor wasn't there? Did you hear that at other
9 points, that businesses were losing revenue?

10 MR. CRAMER: Go ahead.

11 A. There was one business owner who told me that
12 their -- their revenues at their liquor store were down,
13 yeah.

14 THE COURT REPORTER: I'm sorry. Mr. Cramer,
15 I only heard "go ahead." So if you said "objection"
16 before that, it didn't come through.

17 MR. CRAMER: I think it was just form.

18 THE COURT REPORTER: Okay. Thank you.

19 BY MR. WEAVER:

20 Q. Do you recall, when you were with the mayor on
21 this tour of businesses and talking to residents,
22 anybody voicing the concern that the protesters on or
23 near the barriers were intimidating towards people
24 entering the area?

25 A. This is another -- this is a situation where

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1 she said exactly, and if it was about her own physical
2 safety or she was -- just a general kind of concern.

3 Q. Do you recall at other times when you were in
4 the area, not with the mayor, people expressing to you
5 that they did not feel the area was safe to be present
6 in?

7 A. You know, I heard from people that at night,
8 that people felt that it could be -- get -- feel -- that
9 it felt unsafe sometimes, to some people.

10 Q. Do you recall, while you were with the mayor,
11 going back to the meeting before, hearing from people
12 who were either businesses or permanent residents in the
13 area that the conditions in the area would deteriorate
14 in the late hours of the evening and into the night?

15 A. I -- I heard that more later, you know,
16 afterwards, that people said, oh, wow, at night it would
17 be very different, you know, or somewhat different for
18 some people. Because I would not -- normally not be
19 there at night except for, you know, I think I was there
20 a night or two. And, you know, myself, I didn't
21 perceive the -- maybe it was just the time that I was
22 there, it was not as different --

23 Q. Okay.

24 A. -- or it wasn't very different.

25 Q. What can you tell me about what you recall

27 (Pages 105 to 108)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 hearing from people about the conditions being worse at
2 night?

3 A. That the paranoia level, you know, around, you
4 know, potentially Proud Boys coming in was a little bit
5 higher, and so the barricades, you know, would be a
6 little bit more, you know, reinforced, and not as porous
7 to, you know, traffic, but they would let people in.
8 But, you know -- and that there would -- at the end, you
9 know, that there was more partying, you know, and -- you
10 know, kind of just loud -- loud partying at night.

11 Q. Okay. Was it the case that often at night
12 protesters would move, or somebody would move barriers
13 back to where -- to areas they had not been previously
14 or areas that they had been previously. Let me --
15 that's a dirty -- that's a messy question. Let me
16 just -- do you recall -- do you recall that sometimes at
17 night barriers would be moved from the location they had
18 been in during the day?

19 A. The barriers generally stayed, you know, where
20 they were, you know, in general. But, you know, on
21 occasion there would be changes.

22 Q. And what -- what changes did you observe?

23 A. Well, let's see. At the -- you know, at the
24 very end somebody -- there -- I think that what really
25 kind of made the whole thing kind of just -- you know,

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1 would be standing in the street at night, blocking
2 access to streets that had meant to be circulating?

3 A. Yeah, I think that that -- that is -- I mean, I
4 had heard that that would happen.

5 Q. Okay.

6 A. I don't know if they were blocking it, per se,
7 but that there would be people in the street.

8 Q. Okay.

9 A. And, you know, I think that people were just --
10 you know, just worried about cars going by, you know,
11 and attacking them.

12 Q. Okay. Meaning people who were manning the
13 street -- man -- in the streets, your understanding is
14 they were concerned about people coming in and shooting
15 them?

16 MR. CRAMER: Objection. Form.

17 A. I think they were just worried about, you know,
18 kind of the -- what I heard was that they were worried
19 about the ultra right, you know -- you know, just coming
20 to provoke some kind of conflict.

21 BY MR. WEAVER:

22 Q. Okay. Going back to your -- your meeting with
23 the mayor, and your going around talking to the
24 businesses and residents, just to set the stage, do you
25 recall anyone expressing to you or the mayor that they

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1 made it clear that circulation couldn't work was that
2 there was -- somebody moved one of the concrete barriers
3 that had been put up by -- you know, put up to divide
4 Pine Street, you know, to allow for circulation to
5 continue, somebody had blocked that, and that was, I
6 think, the most -- you know, the -- the big -- the
7 biggest moving of the barriers that -- you know, that --
8 that we encountered.

9 Q. And by circulation --

10 A. Most impactful, I should say.

11 Q. But there were other less impactful moving and
12 adjusting of the barriers that would happen overnight;
13 is that right?

14 A. Not regularly. I think that there might have
15 been a -- you know, a few -- a -- a -- occasionally, you
16 know, like a move, like -- but it wasn't -- it wasn't as
17 though it was, like, perpetually expanding or anything.

18 Q. Okay. And I just want to be clear for the
19 record. By "circulation," do you mean vehicle traffic
20 circulation in the area?

21 A. Yes. Because SDOT had created a pattern where,
22 you know, circulation could -- vehicular circulation
23 could still continue and flow down Pine Street.

24 Q. Do you know whether -- do you recall hearing
25 reports that -- not necessarily barriers, but people

Page 112

1 were concerned about retribution if they spoke out about
2 being dis- -- dis- -- dissatisfied with the protests and
3 what was going on?

4 A. A few --

5 MR. CRAMER: Object to form.

6 A. Is your -- when you say retribution if they
7 spoke out, what -- by -- like retribution against mom?

8 BY MR. WEAVER:

9 Q. Did you ever hear, when you were with the
10 mayor, anyone express concerns that if they spoke out
11 against the protests or against the occupation, that
12 they would be targeted by the protests and the
13 protesters?

14 A. I -- I do believe that there were some folks
15 who felt -- who -- who were just, you know, scared in
16 that situation, yeah, that if -- they just didn't
17 know -- they didn't know the people, they didn't know
18 what would happen if they -- you know, based on whatever
19 they said about them, you know. I don't know that it
20 was founded in anything, but you know, they -- they
21 expressed that they were like, you know, concerned.

22 Q. Okay. Do you recall, when you were with the
23 mayor on the tour we've been talking about, any -- any
24 complaints or stories that were told to you about people
25 having to present ID in order to enter the area?

28 (Pages 109 to 112)

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1 A. If I remember correctly, the story about the
 2 IDs was an early rumor. It had actually been the police
 3 during a period that had asked for IDs. But I believe
 4 that the -- that the folks who were, you know, kind of
 5 in the zone were not asking for IDs from anyone.

6 Q. Do you ever -- while you were -- while you were
 7 with the mayor, do you recall ever getting -- ever
 8 hearing complaints that protesters were not necessarily
 9 asking for ID, but were asking for the person's purpose
 10 for being in the area?

11 A. I -- no, I don't remember a ton of
 12 conversation -- I don't remember a conversation about --
 13 about that. Yeah, I don't. I'm trying to think if
 14 somebody was like -- complained about -- it's possible,
 15 but I don't remember.

16 Q. Okay. Do you remember hearing that sort of
 17 thing when you weren't with the mayor?

18 A. I think that somebody did say to me that they
 19 had been asked why they were going in, and they were
 20 like, I work here, you know, I live here, and it could
 21 have just been like -- I mean, I don't know how frequent
 22 that could have been, you know, if it was like most
 23 people, you know, came in and out very freely.

24 Q. Do you recall when you were with the mayor
 25 hearing complaints from businesses and residents about

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1 A. And there was a lot of --

2 Q. Sorry. What did you and the mayor hear about
 3 graffiti?

4 A. That people didn't like the graffiti and they
 5 wanted to have it removed.

6 Q. Okay. Did you hear anything while you were
 7 with the mayor from businesses and residents about the
 8 lack of a police response to the area?

9 A. I think so, yeah. I think that they -- I think
 10 that people definitely probably mentioned that there
 11 were no police in the area.

12 Q. Okay. How about when you were with the mayor,
 13 did you hear anything about a lack of medic response to
 14 the area?

15 A. Maybe. I'm not -- I'm not sure.

16 Q. Do you recall meeting on one or two occasions
 17 with protesters and Mr. Zimbabwe and Chief Scoggins
 18 about adjustments that could or should be made to the
 19 barriers in the areas?

20 A. We -- Chief Scoggins, Sam Zimbabwe, and I had
 21 several conversations with the protesters in the area to
 22 talk about modifications to allow for continuous flow of
 23 traffic throughout the day.

24 Q. Okay. What was the City's goal in those
 25 negotiations?

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1 inconsistent provision of garbage services?

2 A. Oh, about schedule disruptions, you know, or
 3 change -- modifications? Is that what you're asking
 4 about?

5 Q. Either scheduling modifications or, you know,
 6 lack of a dumpster, you know, anything related to
 7 garbage services.

8 A. Well, people take their garbage services really
 9 seriously so, you know, that -- you know, I'm sure that,
 10 you know, people were like, oh, you know, I don't like
 11 these new hours, but, you know, we really tried to, you
 12 know, really concierge every single interaction and make
 13 sure that everybody, you know, had what they needed and,
 14 you know, I personally -- if somebody had an -- any kind
 15 of impediment, you know, I would personally go over and,
 16 you know, ensure that they had continuity of services.

17 Q. Do you recall hearing complaints about that
 18 while you were with the mayor?

19 A. No. I don't remember.

20 Q. Do you recall hearing complaints when you were
 21 with the mayor about vandalism or graffiti?

22 A. Definitely graffiti, definitely. There were --

23 Q. What did -- what did --

24 A. People were --

25 Q. What did you and the mayor hear --

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1 MR. CRAMER: Objection. Form.

2 A. You know, this is really -- I mean, I think
 3 it's best to talk to Sam Zimbabwe about the -- all of
 4 the different circulation-related goals.

5 BY MR. WEAVER:

6 Q. Okay. Well, was the goal in those discussions
 7 to get people to leave the area?

8 MR. CRAMER: Same objection.

9 A. I think I don't understand your question.

10 Before you asked did I -- if I heard you correctly, you
 11 asked me did I meet with Sam Zimbabwe, Chief Scoggins,
 12 and protesters to talk about circulation changes.

13 BY MR. WEAVER:

14 Q. Yes.

15 A. And now you're asking --

16 Q. You had meetings with protesters --

17 A. If those -- if those -- if those questions --
 18 if those meetings about circulation changes were
 19 intended to get people out of there?

20 Q. Yes.

21 A. I mean, like, are -- are you saying are
 22 there -- were there other, separate conversations to ask
 23 people to leave?

24 Q. I'm asking about conversations during the
 25 June 13th, 14th, 15th time frame that you had with

29 (Pages 113 to 116)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 were met with significant resistance by protesters, who
2 grew increasingly agitated and aggressive towards City
3 workers from, among other things, SPU.

4 Do you recall that incident?

5 A. I don't, and it -- I don't know if it's
6 accurate. Because we were not there, that I know of.

7 Q. You were not there on the 26th?

8 A. No, to remove the barriers; right? Like -- I
9 mean, it's like -- I -- I -- is that --

10 Q. Okay. So you don't have any memory of this?

11 A. No.

12 Q. Okay.

13 A. Sorry.

14 (Exhibit No. 15 marked.)

15 BY MR. WEAVER:

16 Q. I'd like you to look at Exhibit 15. This is an
17 email that you wrote to Mr. Buechler and copied a couple
18 other people on June 27th. You indicate, "Tomorrow no
19 services AT ALL," with "at all" in all caps.

20 Do you --

21 A. Where am I supposed to be looking? I'm
22 sorry --

23 Q. In your email dated June 27th, the -- I guess
24 it's the third paragraph. There's no indentation, but
25 it's about halfway down your email.

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1 A. I think it's more --

2 MR. CRAMER: Form.

3 A. Yeah, it says -- it says -- what I wrote here
4 is they do not care for the psychological safety of our
5 crews. I think more just, like -- I just -- you know, I
6 think because of the tension that was there. You know,
7 I always just want to make sure that everybody feels
8 totally comfortable and safe, and that it just feels,
9 like, positive, you know, when they're doing their work.
10 And I don't know that I was concerned about their
11 physical safety as much as just, like, you know, the --
12 maybe the protesters there were just being kind of irate
13 and, you know...

14 BY MR. WEAVER:

15 Q. Okay. What did you -- what did you know about
16 them developing composting toilets? Was that in Cal
17 Anderson?

18 A. That was -- I was being sarcastic. They were
19 not going to develop a composting toilet. There was
20 some -- one of them -- one of the -- just -- it was just
21 one protester that was like, yeah, we don't need -- we
22 don't need you guys to take care of public -- public
23 health, you know, we can handle it all, we'll develop a
24 composting toilet. So I was being more -- I was being
25 more sarcastic with -- with Chad.

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1 A. How does it start? Which -- which -- just --
2 just "Tomorrow no services AT ALL"?

3 Q. You might as well go ahead and look at the next
4 three sentences there, just that -- that portion of your
5 email.

6 A. Yeah. I think that was -- I had a hard day
7 that day. I was really, really wet that day, and there
8 was a service gap on our part, I think, because -- not a
9 service gap, but like a -- like a communication gap, I
10 mean, because somebody else besides Chad was
11 coordinating that day, so I had just gotten really --
12 really wet talking about -- I was talking about -- I was
13 talking about the day before. I was talking about the
14 day before.

15 Q. So -- but this day you're saying tomorrow no
16 services at all because of what was going on in the
17 zone; is that right?

18 A. Yeah. It's just -- people were -- now I re- --
19 now I remember, yeah. People -- I think that, you know,
20 people were -- knew that the barriers were coming down
21 and were a bit agitated, but -- and -- you know, and I
22 was like, I think, having a really bad day.

23 Q. So you were concerned about the safety of your
24 crews; right?

25 MR. CRAMER: Objection.

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1 Q. Okay. Were you concerned about your
2 contractors and staff being trapped inside if they
3 provided services in the area?

4 A. Well, my -- throughout -- throughout this
5 entire time, it was always really important to me that
6 there were multiple ways in and out. Not that there was
7 going to be an issue -- so -- so the -- I -- I do
8 remember that the -- the protesters were like, it's no
9 problem. They can just come in. They just have to go
10 out the same way, and -- you know, so we're -- we're
11 just going to guard more entry points and -- during the
12 day.

13 And I was like, that doesn't work. They all --
14 so my philosophy was always during the day all the
15 barriers -- at least when I'm here, all these 12 hours,
16 they always have to be all down; right? So that
17 everybody can get in and out freely; right?

18 And I just wasn't going -- like, I just wasn't
19 going to negotiate that. That was a no negotiation
20 thing for -- for -- for -- for -- for me. Because if I
21 was driving a truck, I would want to just make sure I
22 can just use the streets freely.

23 (Exhibit No. 16 marked.)

24 BY MR. WEAVER:

25 Q. Okay. If you could look at Exhibit 16, I have

35 (Pages 137 to 140)

30(b)(6) and Individual Deposition of Mami Hara - 10/4/2021

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1 yet, please.

2 THE VIDEOGRAPHER: I'll go ahead and read us
3 off. This concludes the --

4 MR. WEAVER: All right. Sorry.

5 THE VIDEOGRAPHER: This concludes the
6 deposition of Mami Hara. The time now is approximately
7 1:01 p.m. Going off the record.

8 (Deposition concluded at 1:02 p.m.)

9 (Reading and signing was requested
10 pursuant to FRCP Rule 30(e).)

11 -o0o-

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1 C E R T I F I C A T E

2
3 STATE OF WASHINGTON
4 COUNTY OF PIERCE

5
6 I, Cindy M. Koch, a Certified Court Reporter in
7 and for the State of Washington, do hereby certify that
8 the foregoing transcript of the deposition of MAMI HARA,
9 having been duly sworn, on October 4, 2021, is true and
10 accurate to the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand
12 and seal this 13th day of October, 2021.



13
14 *Cindy M. Koch*
15 CINDY M. KOCH, CCR, RPR, CRR #2357

16
17
18 My commission expires:
19 JUNE 9, 2022

37 (Pages 145 to 146)

Exhibit 10

Hunters Capital, LLC v. City of Seattle

Mayor Jenny A. Durkan

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)

Plaintiff,)

vs.) No. 20-cv-00983

CITY OF SEATTLE,)

Defendant.)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION

UPON ORAL EXAMINATION OF

MAYOR JENNY A. DURKAN

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: DECEMBER 8, 2021
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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Buell Realtime Reporting, LLC

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1 (Pages 1 to 4)

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1 Regularly that would include Chief Best and
2 Chief Scoggins, but really, really important we thought
3 that there would be this information going to the public
4 on where we were, what we were doing, and why we were
5 doing it.

6 **Q. Why didn't you say, in any of those previous**
7 **press events, that it was time for people to go home?**

8 A. I'd have to look at all the previous ones. I
9 may have said things like that, or what our expectations
10 were. But again, it was an evolutionary process. You
11 know, you had thousands of people protesting for Black
12 lives against the police.

13 And it wasn't just here in Seattle. It was in
14 every major city in America. And we saw in other cities
15 those protests devolve into nightly violence and
16 conflict, you know, whether it was Portland. They had
17 shootings in Louisville.

18 I was talking to mayors in Atlanta, Louisville,
19 Los Angeles, to compare notes on what were people doing
20 and how do we address this. And for us in Seattle, what
21 we really wanted to do, again, was balance those
22 competing interests.

23 It was important that people protest the -- the
24 killing of George Floyd. That was part of our national
25 dialogue. But at the same time, in -- in ensuring that

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1 right to protest, we also had to be realistic about how
2 do we make sure that we can provide for the public
3 safety of those protesters, for the businesses and
4 residents, and for all the other residents of Seattle or
5 other places that may come there.

6 At the same time, we're -- we're, you know,
7 looking out for the whole city in the middle of a global
8 pandemic. And so at every step of the way, we were
9 trying to adjust what we're saying, and I was trying to
10 address in my press statements where -- where we were at
11 that moment in time.

12 Once we got to the point that the Seattle
13 Police Department thought they knew what they needed to
14 be successful, that meant we needed to have fewer
15 people. So we made a concerted effort to try to reduce
16 the profile and the number of people in and around
17 Capitol Hill so we could be successful.

18 **Q. How many times did you personally visit CHOP?**

19 A. If -- between June 8th and July 1st, I think I
20 was there maybe four or -- I think four times. It might
21 have been five.

22 **Q. How many of those were what I'll call official**
23 **visits, and how many of those were visits that you made**
24 **in a disguise?**

25 A. I made, I think, three official visits that I

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1 can recall. One was shortly after the -- the area was
2 established, I went and met with protesters and to see
3 what was happening. I think that was maybe the 8th or
4 9th.

5 I had a subsequent meeting, and actually there
6 may have been an additional because I was up there at
7 least twice, meeting with businesses and residents, and
8 walking and talking to businesses and residents about
9 what their concerns were and what the City could do to
10 address them.

11 And then I had another meeting where I was
12 twice in one day at the First AME Church there, which
13 the first meeting was with a number of Black clergy
14 to -- to get their assistance and help and hear their
15 views on how we could move forward as a City on a range
16 of issues, but including what was happening right on
17 their doorstep.

18 And then later that day, with some of those
19 Black ministers, met with some of the people who
20 identified themselves as -- as protest leaders, to see
21 if we could get them to get people to go home. And so
22 those were the official meetings.

23 And then I went unofficially a couple times. I
24 just rode my bike up there, and -- and looked around.

25 **Q. On the -- on the unofficial visits where you**

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1 **rode your bike up there, do you recall when those visits**
2 **were made?**

3 A. I don't recall the exact dates of them, but
4 they obviously were made in that time frame.

5 **Q. What did you do on those unofficial visits?**

6 A. I just rode my bike up and then walked around
7 the area to see what was happening. You know, when I --
8 when I come in an official capacity, it -- it, one,
9 people respond differently, and -- because you're the
10 mayor.

11 It also requires that I have security with me,
12 which are police officers, which can be a complicating
13 factor, particularly during these events. And so when I
14 went by myself, I was able to, you know, not have that,
15 and just see for myself what was happening.

16 **Q. So what time of day did you go on your**
17 **unofficial visits?**

18 A. I think it was late afternoon, early evening.

19 **Q. And what did you see while you were there?**

20 A. I saw -- you know, that's a broad question. I
21 rode my bike around all of the parts, went in and out of
22 Cal Anderson, went in a couple of businesses, and -- and
23 so I saw a lot of things.

24 **Q. How many tents did you see in Cal Anderson Park**
25 **on any of your visits?**

20 (Pages 77 to 80)

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1 A. You know, I didn't -- I didn't count the tents
2 at that -- there was the two visits. At one point there
3 were -- there were tents in and around the play field.
4 Those had been removed, I think, by the second visit,
5 and they had cleared that out, so the people were using
6 it for soccer and the types of things.

7 I noticed where the tents were, and, you know,
8 obviously knew that there had been people experiencing
9 homelessness in other tents there. So I didn't count
10 the tents, but obviously there were a number of tents
11 there.

12 **Q. Where did you notice the tents were?**

13 A. You know, they were -- the ones that I recall,
14 they were in the northeast kind of quadrant, which is,
15 you know, kind of by where the fountain is, but -- but
16 that area that is -- is that John there? So that part
17 was where I saw most of the tents.

18 **Q. You're talking about Cal Anderson Park now?**

19 A. Right, in Cal Anderson Park.

20 **Q. Did you see tents other places in the area,
21 like around the East Precinct?**

22 A. There were some other tents around the East
23 Precinct.

24 **Q. Did you notice the location of any barriers in
25 the area?**

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1 A. I did not -- I don't recall noticing the
2 barriers, but, you know, it's -- the -- the areas that
3 tended to be kind of where the barriers were is the
4 Pike/Pine corridor, one block short of Broadway and
5 12th-ish.

6 **Q. Do you know whether those barriers were in
7 places that had -- where the Seattle Department of
8 Transportation had placed them, during your visits
9 there?**

10 A. No, I don't know that.

11 **Q. So on your official visits, you said you talked
12 to businesses and residents in the area. I assume you
13 mean permanent residents of the area; is that correct?**

14 A. That is correct. I think including your
15 client.

16 **Q. Which client?**

17 A. Hunters Capital actually arranged one of them,
18 and so there were representatives from Hunters Capital
19 that I met with, and then I think at least one of them
20 walked with me in some areas.

21 And then I was in a second meeting that I
22 believe that a Hunters Capital person was there. They
23 may have only been in the first visit, but -- but they
24 were there both as -- as you know, they have varied
25 business interests there.

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1 Mike Malone has been one of the people who
2 really has restored the Pike/Pine corridor and done a
3 lot of development in that area, and they -- also they
4 have some relation, I think, to some of the apartment
5 complexes there. So we were hearing from, you know,
6 some of the small businesses and -- and some of the
7 resident organizations.

8 **Q. Okay. Do you recall, other than Hunters
9 Capital, who you met with?**

10 A. I -- I may conflate -- I think there were two
11 visits; I'm not positive. On at least one of the
12 visits, we had people from Elliott Bay Books, from Queer
13 Bar, from Rachel's Ginger Beer, two of the apartment
14 complexes, the person who owns or runs Rhein Haus
15 Brewery. There probably were others, but those were the
16 ones I recall speaking with.

17 **Q. Do the dates June 11th and June 12th sound like
18 when you may have visited the area?**

19 A. It -- that's possible. I think that that -- I
20 think there was a second visit too, but I -- but there
21 was earlier on, I think, one visit. I would have placed
22 it later than that, but that is possible.

23 **Q. Okay. So I want to ask you whether, during
24 these meetings you had with residents and businesses in
25 the area, and also in other conversations you had, so**

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1 **let's say during the first week of CHOP, so like between
2 June 8th and June 15th, do you recall hearing these
3 types of complaints? Do you recall hearing that people
4 had -- were having difficulty accessing their
5 apartments?**

6 A. I don't recall apartments, but there were --
7 look, it was -- there's no question the reason I was
8 there was, it was a challenging time, and that the, you
9 know, businesses felt like it was impacting their
10 businesses.

11 You know, they'd already been closed down
12 because of the pandemic. Many of them were still
13 closed, but were hoping to open them up. There was --
14 you know, we had a lot of issues that we talked to them
15 about.

16 I brought with me the heads of my department
17 because I wanted the people who were going to be able to
18 fix things be there and hear it first, so Seattle
19 Department of Transportation, Public Utilities.

20 We talked about garbage and garbage pickup. We
21 talked about recycle. We talked about access to getting
22 to buildings. And so, you know, there was a range of
23 concerns that people had.

24 **Q. Okay. So I mean, I heard in that, that you
25 were aware that there were access problems for some**

21 (Pages 81 to 84)

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1 people in the area; is that right?

2 A. I think that's fair to say.

3 Q. Okay. And you were aware that there were --
4 there had been some disruptions to garbage service in
5 the area for some people; is that right?

6 A. I think that -- correct.

7 Q. Okay. And at least you heard that some
8 businesses were complaining that they were losing
9 revenues because of what was going on in the area at
10 that time?

11 MR. HARRIGAN: Objection. Vague.

12 A. My best recollection is a little bit different
13 than that, is, remember, we're still in the governor's
14 stay home order and most businesses were closed, and
15 that we were getting to that point where we were
16 thinking about, how do we reopen the economy, and the
17 same businesses that had suffered, you know, having to
18 shut down during the pandemic was just so, so hard on
19 every business, not just on Capitol Hill, but in our
20 city, and that it was really about how -- how are we
21 going to survive in this -- in this reopening phase and
22 what's the plan for us, is my recollection. But that
23 may not be, you know, what they felt they were saying.

24 BY MR. WEAVER:

25 Q. So do you recall hearing concerns that --

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1 it had impacts. And we wanted to be able to address
2 those impacts, keep people safe. At the same time, we
3 were balancing these really difficult and dynamic other
4 factors.

5 And so it's the reason I went up there
6 personally. You know, I had my staff working with
7 people on an ongoing basis, but I wanted to go
8 personally so people could say it to me, and I could let
9 them know that we're going to do what we can.

10 BY MR. WEAVER:

11 Q. Okay. Did you hear concerns, during that first
12 week of June 5th to June 8th -- June 8th to June 15th,
13 that people were being intimidated by protesters or
14 guards at the barriers in the CHOP area?

15 A. I don't recall anyone raising that with me when
16 I visited them.

17 Q. Do you recall hearing that people had
18 complained about that during those first days of CHOP?

19 A. My recollection on what I heard was that --
20 that Chief Best had received some reports of that
21 anecdotally, but then when they asked people to come
22 forward with the information that would provide that,
23 they weren't able to get it.

24 So -- so I personally didn't have information
25 about that, and am not aware of us being able to

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1 during that first week, that CHOP was making it even
2 harder on businesses than they -- on top of what had
3 happened with COVID and the pandemic?

4 MR. HARRIGAN: Objection. Vague.

5 A. Yeah, so I think that's right, but I think you
6 have to kind of pull it back even further. Because what
7 I heard from people was not just what was happening then
8 because of the protesters and the protest area, but
9 remember, for the week before that, from, you know,
10 May 31st-ish, all the protests really moved to Capitol
11 Hill and Cal Anderson Park.

12 And there were thousands of people there on a
13 daily basis, and we had to address all the same types of
14 issues. How do we collect the garbage and trash? How
15 do we keep people safe? How do we, you know, do those
16 range of things?

17 And so those businesses and residents were
18 impacted, you know, from those protests that occurred
19 before June 8th. And so we're looking at the totality
20 of that, and we know it's going to be some period of
21 time before we're going to be able to, you know, clear
22 people out. And so what can we do to address what's
23 happening to the people in that neighborhood and
24 community?

25 And that was really important to me. You know,

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1 document that, but I have no doubt that, you know, some
2 people have said that occurred.

3 Q. Well, is it your understanding that Chief Best
4 was investigating whether people had to give ID in order
5 to go into the area?

6 A. I really think you have to ask Chief Best about
7 that. My understanding is, is that those were
8 preliminary anecdotal reports that Chief Nollette had
9 referenced, and Chief Best had heard. But then when
10 they -- they asked for more information, investigation,
11 I don't think they substantiated them, but again, you'd
12 have to ask Chief Best.

13 Q. Do you recall in your visits, on at least one
14 of your visits, talking to protesters who were assigned
15 to man the barriers that were erected in the area, in
16 the CHOP area?

17 A. I don't recall any of the protesters I met
18 with, that that was what their -- their job duties, for
19 lack of a better description, was.

20 Q. Do you recall seeing people manning barriers in
21 the area when you were there?

22 A. When I -- when I was there, I don't recall --
23 actually, I do not recall that at all. And when I was
24 there on my bike, I don't recall there being people
25 manning barriers.

22 (Pages 85 to 88)

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1 Q. Were you ever -- while you were there on an
2 unofficial basis, were you ever asked why you were in
3 the area by anybody?

4 A. No. People really didn't pay any attention to
5 me, which was the goal.

6 MR. HARRIGAN: Is this a logical stopping
7 place?

8 MR. WEAVER: Let me -- just give me five
9 minutes, Art. Thanks for reminding me. I've lost track
10 of time.

11 BY MR. WEAVER:

12 Q. Do you recall hearing complaints that there was
13 a lot of noise -- again, referring to the, you know,
14 June 8th to June 15th period, that there was a lot of
15 noise in the late hours of the night from CHOP?

16 A. I don't recall that, but it's -- I have some
17 recollection, and it would not surprise me that people
18 may have had that complaint.

19 Q. Do you recall hearing complaints or hearing
20 reports that there were late night parties going on in
21 Cal Anderson Park during the period of June 8th to
22 June 15th?

23 A. I do not recall that.

24 Q. Okay. Do you recall hearing at any point
25 during CHOP that the conditions were worse at night than

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1 they were during the day?

2 A. I do recall people saying that towards the end,
3 in the final weeks, that the people felt that there was
4 a different atmosphere in the evening hours than there
5 were in the daytime hours.

6 Q. You don't recall hearing that early on, earlier
7 on than that, though?

8 A. I do not recall. I do recall it in the later
9 weeks.

10 Q. Okay. Did you see any signs of graffiti on any
11 of your visits?

12 A. Yes, absolutely.

13 Q. How would you describe the amount of graffiti
14 that you saw in the CHOP area on your visits?

15 A. You know, I think it varied, depending on where
16 you were. There was a -- there was more graffiti in and
17 around the East Precinct itself, and then on different
18 buildings, there was some graffiti.

19 It's one of the reasons why one of the things
20 we had as part of our planning in our clearing planning
21 was standing by our graffiti rangers, so that we could
22 go in and address that.

23 I think there were some attempts, during the
24 period of time from the 8th until the 30th, the three
25 weeks that the protesters were in that area, to see what

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1 we could do to address that, but there -- there clearly
2 was a fair amount of graffiti in and around Capitol
3 Hill.

4 We had experienced that since the beginning of
5 the pandemic. There was significant graffiti in Pioneer
6 Square and Chinatown International District that we had
7 to address throughout the pandemic, and in fact have to
8 address today because it's been an ongoing problem. But
9 no question that during this period of time, that there
10 was graffiti in and around the Capitol Hill and Cal
11 Anderson area.

12 Q. Do you know whether -- or were you aware that
13 the graffiti became so voluminous in CHOP that the City
14 actually stopped trying to clean it up?

15 A. I'm not aware of that. I do know that when
16 we -- you know, in -- in planning our operational plan
17 for when we could be successful to move everyone out of
18 the area, one of the things that we wanted to be able to
19 do immediately was remediate graffiti, and indeed did
20 so.

21 So I know it was a significant issue. And --
22 and just as importantly, in trying to kind of restore
23 the area for the community, we wanted to address all of
24 those issues cohesively.

25 And so, you know, we had the Parks Department

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1 people who could look at restoring Cal Anderson Park and
2 deal with some of the maintenance and graffiti issues
3 there. We had the graffiti people who were going to
4 come and address the businesses. We had Public
5 Utilities there to do additional trash and litter
6 cleanup, in addition to removing all of the tents and
7 other things that accumulated.

8 So the plan had to be a holistic one. I was
9 not -- I had not heard at any point that the City had
10 done that, but, you know, Mami Hara would be in the best
11 position to -- to say what those efforts had been and
12 whether they were successful.

13 MR. WEAVER: Okay. So let's go ahead and
14 take -- let's go off the record.

15 THE VIDEOGRAPHER: Off record. Time now,
16 11:10 a.m.

17 (Recess from 11:10 a.m. to 11:24 a.m.)

18 THE VIDEOGRAPHER: Back on the record. The
19 time now is 11:24 a.m.

20 E X A M I N A T I O N (Continuing)

21 BY MR. WEAVER:

22 Q. So we talked about your personal visits to
23 CHOP. I think you mentioned that some of your staff was
24 also visiting the area between June 8th and June 30th;
25 is that correct?

23 (Pages 89 to 92)

Page 93

1 A. Yes. There -- there was -- members of my staff
2 were up and around that area, I think, frequently.

3 Q. Okay. So what members of your staff were
4 there, that you know of?

5 A. I think it varies, depending on the day, but
6 during that period of time, I know that Deputy Mayor
7 Sixkiller was there, my chief of staff Stephanie Formas,
8 Deputy Mayor Ranganathan. Those are the ones in the
9 mayor's office.

10 I also had business outreach people during that
11 period of time that changed a little bit, but it was a
12 woman by the name of Sabrina who was reaching out
13 regularly to businesses, and I think visiting them.

14 I think we also had people from Department of
15 Neighborhoods go at occasional times. But those are the
16 people that I recall from my office being in the area
17 and Capitol Hill during that period of time.

18 Q. Did you receive reports back from those people
19 about what they were observing during their time at
20 CHOP?

21 A. Yeah, I'm not sure I'd call them reports.
22 There wasn't anything written or formal. But it would
23 be, you know, feedback. As you know, we were -- I was
24 getting updates, and it would kind of give me an update
25 on where we were, what the issues were, and so I would

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1 get those kinds of reports back.

2 Q. Was that roughly on a daily basis that you'd
3 hear from somebody about what -- where you were and what
4 was going on up in CHOP?

5 A. You know, I don't know -- I wouldn't say if it
6 was on a daily basis, and sometimes it could probably --
7 people would tell me what was going on more than once in
8 a day.

9 I think it really depended not just on what was
10 going on in Capitol Hill, but what was happening in
11 other parts of the city that was taking my attention.
12 It was -- during that period of time, there was a lot
13 going on.

14 And so obviously we devoted the resources.
15 That's why members of my staff were reaching out
16 directly and helping there, but there were other things
17 that I was required to do, everything from, you know,
18 pandemic planning to some of the activities that we were
19 afraid that the president was going to do. So it was a
20 really busy time.

21 Q. Did you ever feel like you had a lack of
22 information or that you wanted more information than you
23 were getting about what was happening on the ground in
24 CHOP?

25 A. I don't think that I had a lack of information.

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1 I think, you know, the one reason I rode my bike up
2 there is, I always like to see things myself.

3 Q. So we talked a little bit about the
4 pre-June 8th protests. What was your understanding of
5 what those protests were about primarily?

6 A. So the -- the primary focus of those protests,
7 you know, was obviously in -- came out of the murder of
8 George Floyd. And you saw those protests not just here
9 in the city of Seattle, but -- and not just nationally,
10 but globally.

11 And the -- really, the center of it, I think,
12 was, is that it was a -- in support of Black lives and
13 how we could change our society's, you know, longtime
14 established practices that really had excluded
15 African-Americans from so much of the opportunity in our
16 country. And that, while it was focused on policing,
17 the topics were so much broader than that.

18 And the meetings I was having with community
19 was really generational disinvestment and lack of
20 opportunity, everything from access to healthcare, to
21 housing, to educational justice, to employment.

22 And so the protests were, you know, Black Lives
23 Matter. It started because of police conduct, but it
24 really went to where we were as a society about all the
25 systemic racial inequity barriers that had existed for

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1 generations and denied people opportunity.

2 Q. And was it your understanding or perception
3 that that theme of the protests continued as well into
4 the -- into CHOP and what the main message was that
5 people were trying to get through with CHOP?

6 A. I think you'd have to -- you know, which
7 people? There is -- there is no time through 2020 or
8 even today that that message of a fight for Black lives
9 and equal opportunity doesn't continue to resonate and
10 doesn't continue to be raised.

11 And so I think that absolutely throughout June,
12 and throughout the summer, that that was something that
13 I was very focused on as mayor, is to how we could -- at
14 the same time, you know, I was a person who believed we
15 could not de-fund our police by 50 percent, but also
16 believed we have to make generational investments into
17 our communities of color, particularly our Black
18 community. And so that message continues to this day,
19 and that policy and that important goal of our society
20 never stopped.

21 Q. Okay. Is it safe to say that you were
22 concerned that there had been a significant number of
23 clashes between protesters and police near the East
24 Precinct in the days leading up to June 8, 2020?

25 A. Yes.

24 (Pages 93 to 96)

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1 already raised the demand or request or aspiration,
2 whatever you want to call it, that the East Precinct
3 become a community center, and that that was also being
4 articulated by one or more councilmembers.

5 And so again, my best recollection is, is that
6 coming out of those series of meetings and knowing that
7 we could be looking at an ordinance passed that required
8 it, what would that look like and could it accomplish.

9 So my guess is, someone said to Calvin -- it
10 could have been me; I don't recall saying it -- hey,
11 look, what would we need to do this? Can you get us
12 something? And he took it upon himself to kind of
13 create this packet. But again, this does not come
14 anywhere near what we would -- how you would go about
15 that.

16 **Q. Do you recall at some point that you had**
17 **discussions with Black Lives Matter in which they**
18 **indicated they actually did not want the East Precinct?**

19 A. No. I think that the -- you know, like there's
20 a lot of dynamic events in and around the time, and we
21 were having a lot of discussions with Black Lives Matter
22 Seattle-King County throughout that period of time on a
23 whole range of issues, and at the same time they're
24 the -- the plaintiff that is suing the Seattle Police
25 Department in the -- Judge Jones' courtroom.

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1 And so there was a range of issues that we
2 addressed with them, including the ones in the meeting I
3 talked to you about with Public Health on what we could
4 do to address some of the issues there.

5 And so I recall -- my best recollection is, is
6 that, as this demand evolved, and as Chief Best had made
7 clear, she also made clear to -- to people in the
8 community, we did, that she believed, and I support and
9 concurred with that, that the police needed to be in the
10 precinct to provide the police services.

11 And so there -- there came a time when, after
12 we got the June 15th letter, in discussions, my
13 recollection is, is like, what do you want this center
14 to be? What's the purpose of it?

15 And it was both kind of as a symbol that -- you
16 know, to kind of remove policing as an obstacle for
17 community, which had a very powerful symbolic meaning
18 for -- for many in community, but then also to have a
19 place where you could have community-based organizations
20 that serve primarily the Black community, and kind of
21 a -- a place where you could have opportunity zone kind
22 of things where you had an incubator, small businesses,
23 you know, entrepreneurialships, kind of a place that
24 could become a center of brilliance and activity for the
25 Black community.

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1 So our discussions then shifted with Black
2 Lives Matter Seattle-King County, is like, what would
3 that look like and what purposes do you need. And then
4 how do we kind of make sure that we satisfy both why the
5 community wants it, but then also can take the precinct
6 off the table.

7 And the solution ended up being that Black
8 Lives Matter Seattle-King County was able to designate a
9 longtime community member person who had worked in and
10 around policing issues, Reverend Harriett Walden, who
11 was a very strong supporter of keeping the precinct as a
12 precinct. They were willing to put her as the person
13 who would work with the City on the future of the
14 precinct, and that gave us what we needed.

15 Then we had the community support to return
16 policing to the precinct, and community support to
17 create this other kind of center of -- of activity for
18 things. But we had to deal with all of those things at
19 the same time.

20 You know, without community support, there's no
21 doubt in my mind that the city council may have just
22 acted to require that become a community center, and
23 then we would have had incredible challenges.

24 **Q. What were some of the other areas for the**
25 **community center that the City explored for a Black**

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1 **Lives Matter headquarters?**

2 A. You know, over time there was a number of
3 places. We looked at the -- the -- a location directly
4 adjacent to the precinct, in the -- The Riveter location
5 that had gone. We'd looked at -- there was a building
6 across the street from Mount Zion church. There was
7 some discussion at one point as to whether we could
8 utilize Miller Community Center for some or all of these
9 purposes.

10 So -- and that changed over time too in terms
11 of what -- what the Black Lives Matter Seattle-King
12 County itself wanted, whether they were going to buy a
13 building, whether they were going to lease a building,
14 whether -- and so it was a -- it was an evolving
15 discussion.

16 **Q. So what was the Mount Zion church location?**

17 A. There's a small building that is west of Mount
18 Zion church that I believe was being used as kind of a
19 youth support services at the time, and they were
20 exiting the building, and that it might be -- you know,
21 it's a -- really a place of historic importance for the
22 Black community, not just because of the location of
23 Mount Zion, but because of the location in the Central
24 District.

25 I can't remember the exact address, but it

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1 was -- that was a building there. I think we looked at
2 it at some point in time and it was determined that
3 maybe it might not be suitable. There was ongoing
4 discussions with that.

5 And again, you know, at one point there was
6 some discussion about whether the Miller Community
7 Center could be utilized by some of the Black-led
8 organizations.

9 **Q. So with regard to the Mount Zion location, or**
10 **the building near or in Mount Zion, what was -- what**
11 **options were explored there? Would the City buy the**
12 **location? Would the City assume a lease for that**
13 **location? What was -- what was the plan there?**

14 A. I don't -- I don't recall specifically because
15 it was really iterative. For a while there was focus on
16 that, and I can't remember exactly what time frame. My
17 recollection of the framework was, is that the entity
18 itself would purchase it, but that it might be supported
19 by contracts to the organizations who were there through
20 the Human Services Department, or that it may be a
21 co-location for those people that we already had
22 contracts with supporting. It was -- you know, I would
23 get pretty summary oral reports back at different times
24 on where we were.

25 **Q. Was this in June of 2020 that this -- those**

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1 that look like. And I happen to know that the space in
2 there was vacant, or I thought it was, and so we -- we
3 looked at that space.

4 I think I made an introduction to my team to
5 the -- I can't remember if it was to The Riveter itself
6 first or to the landlord, but made those introductions.
7 And I knew because I -- I knew the people who started
8 The Riveter. I had been an investor early on, and knew
9 the space was empty, and it was perfect in many ways
10 because it was built just for that kind of thing.

11 It's a space that was like a We Works. It had
12 lots of different rooms it had used for kind of
13 entrepreneurial presentations and businesses and
14 start-ups, and physically would be good.

15 And it was right next to the precinct, so you
16 could have that truth and reconciliation, you know, the
17 first in the nation to have this kind of almost
18 co-located spot between the police department and Black
19 Lives Matter Seattle-King County. Could have been super
20 exciting, and so that's where the -- the kind of idea
21 for that came.

22 **Q. So it was -- you were the one that initially**
23 **identified The Riveter space as a possibility; is that**
24 **correct?**

25 A. That's correct.

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1 **discussions were going on with Mount Zion?**

2 A. No, it wasn't Mount Zion. It was near Mount
3 Zion.

4 **Q. Okay.**

5 A. Yeah. I don't recall the time frame. I -- you
6 know, the -- I -- I can't tell you the answer to that.
7 I know that the discussions with Black Lives Matter
8 Seattle-King County Chapter, you know, continued on for
9 a period of time, and so I couldn't give you an exact
10 time frame on that.

11 **Q. How about The Riveter space that you mentioned?**
12 **How did that come up to be a possible location?**

13 A. That came up because the -- you know, as I
14 said, we -- we very much knew we needed to keep the
15 police in the police precinct. But there was a huge
16 desire and need by members of the Black community and
17 other communities of color to actually have physical
18 space that represented what I talked about before, a
19 place that you could have maybe a truth and
20 reconciliation center to work on those issues about
21 policing in the Black community, support the Black-led
22 organizations like Community Passageways, which deals
23 with violence and eruption, or Choose 180, which does
24 the same thing for youth.

25 And so there was a discussion about what would

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1 **Q. And then you contacted The Riveter, the people**
2 **you knew previously from The Riveter --**

3 A. Yeah, just to see if the space was actually
4 still empty, and whether they -- they had a lease or
5 what the status of it was.

6 **Q. And what did you find out?**

7 A. My under- -- my recollection is, is that, yes,
8 they still had the lease, and the landlord was Hunters
9 Capital. And so I introduced the people on my senior
10 team -- I don't remember who it was -- to them, and I
11 actually -- I think I spoke with Mike Malone of Hunters
12 Capital to say, you know, this is an idea we have, you
13 know. Is it something that you would be willing to at
14 least explore? Not to be -- you know, promise that they
15 could go forward.

16 And then I stepped out of all the discussions
17 and negotiations.

18 **Q. Why did you step out from the negotiations?**

19 A. We had contacted the Seattle Ethics and
20 Elections. Because I had made an initial investment in
21 The Riveter, wanted to make sure that there wouldn't be
22 either an actual conflict or the appearance of a
23 conflict.

24 And it was their best recommendation, because
25 there could be an appearance of some benefit, that I

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1 step out and not have any involvement in the ongoing
2 discussions and negotiations.

3 **Q. And so -- and you were still -- were you still**
4 **friends with the owners of The Riveter?**

5 A. I -- we were never friends, social friends. I
6 knew them, and I knew Mike Malone, who was also a
7 friend.

8 **Q. And was -- were the -- were the owners of The**
9 **Riveter, did they ever contribute to your campaigns,**
10 **that you know of?**

11 A. I have no idea. The person I contacted was Amy
12 Nelson, who was the founder, and that's -- you said
13 owners, plural, but she's the only person that I
14 contacted.

15 (Exhibit No. 5 marked.)

16 MR. WEAVER: Okay. I've dropped an exhibit
17 in there, Exhibit 5.

18 MR. HARRIGAN: If we're changing the
19 subject, is this a good time for lunch? It's up to you.

20 MR. WEAVER: We aren't changing the subject.
21 If I can get ten minutes, I think we can get done with
22 this, and then we can take lunch --

23 MR. HARRIGAN: Okay.

24 MR. WEAVER: -- if that's okay.

25 MR. HARRIGAN: Okay.

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1 that there was a -- you know, this was a step to, one,
2 getting back into the East Precinct, and two, because I
3 think he trusted her judgment as to what community
4 groups could be trusted and what their kind of -- their
5 work was.

6 And so I think I said, you know, Chief Best and
7 I could be available, and I think that was solely that
8 if there was -- you know, if -- if Mr. Malone needed
9 some additional assurances that Black Lives Matter
10 Seattle-King County was, you know, a really strong,
11 reputable organization that had done tremendous amount
12 of good.

13 I mean, in my brief conversation that I had
14 with him, you know, his voiced concern when I was making
15 the introductions was, he didn't want to just -- he
16 thought at first it was taking the actual protesters
17 from the Capitol Hill and Cal Anderson Park and putting
18 them in his building, and that was never the intent.

19 **Q. Do you recall speaking to Mike Malone and**
20 **Hunters Capital after sending this email about The**
21 **Riveter transaction?**

22 A. I recall talking to him. I couldn't tell you
23 without looking at something whether it was before or
24 after or right around the same time, but I did speak to
25 him.

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1 BY MR. WEAVER:

2 **Q. So this is an email you sent to Calvin Goings**
3 **and Michael Fong, with a copy to Chief of Staff Formas,**
4 **removing yourself from the negotiations with regard to**
5 **The Riveter; is that right?**

6 A. That's correct. And that's what I said before,
7 is that because of the app- -- any appearance issue, it
8 was the recommendation of Seattle Ethics that I do that,
9 so I stepped out of it.

10 **Q. Okay. So this was sent on the morning of**
11 **June 21st; is that right?**

12 A. That's what it states. I don't recall that
13 independently, but it -- yes.

14 **Q. Okay. Do you know whether -- you mention**
15 **toward the end of here that Chief Best could be**
16 **involved.**

17 **Do you know whether Chief Best was ever**
18 **involved in any of the discussions regarding The**
19 **Riveter?**

20 A. I doubt it. And I -- I don't know -- there
21 would be no reason for her to be so. I think I added
22 this at the end because Chief Best does know Mike
23 Malone, and one of the things that -- if -- this ended
24 up not working either, but if it was going to work, you
25 know, obviously he would have to have some confidence

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1 **Q. And did you also speak to Jill Cronauer, who**
2 **worked for him? Were you on that call?**

3 A. I don't recall having conversations with her,
4 but it's -- it -- I don't recall having conversations
5 with her, but it's possible she was on a call.

6 MR. WEAVER: Okay. Hold on here. Whoops.
7 Okay. That will be -- what I dropped in there, Court
8 Reporter, that should be marked as Exhibit 6. It's a
9 spreadsheet. I can renumber it if we need to do that,
10 but -- okay.

11 (Exhibit No. 6 marked.)

12 BY MR. WEAVER:

13 **Q. So if you can open this, this is an Excel**
14 **spreadsheet that we received of some of our texts that**
15 **were recovered from other custodians. And it's pretty**
16 **cumbersome to go through. I'm not going to lie.**

17 **So this is not every text that we got. I mean,**
18 **that was -- went back to 2017, I believe. This is**
19 **everything we got from the first production of recovered**
20 **emails, just so Counsel knows, for the period of**
21 **June 8th through, I believe, of mid-July.**

22 **And if you could go to the -- if you look at**
23 **Column I, which is the time of the various texts, and if**
24 **you could go down to -- or up to, depending on how it**
25 **is, to June 21st?**

Hunters Capital, LLC v. City of Seattle

Mayor Jenny A. Durkan

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4:55 p.m.

(Deposition concluded at 4:55 p.m.)
 (Reading and signing was requested
 pursuant to FRCP Rule 30(e).)

-o0o-

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C E R T I F I C A T E

STATE OF WASHINGTON
 COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in
 and for the State of Washington, do hereby certify that
 the foregoing transcript of the deposition of Jenny A.
 Durkan, having been duly sworn, on December 8, 2021, is
 true and accurate to the best of my knowledge, skill and
 ability.

IN WITNESS WHEREOF, I have hereunto set my hand
 and seal this 29th day of December, 2021.



Cindy M. Koch
 CINDY M. KOCH, CCR, RPR, CRR

My commission expires:
 JUNE 9, 2022

69 (Pages 273 to 274)

Exhibit 11

11am Update - E Precinct

Where: 701-801-1211; 591-015-294
When: Wed Jun 10 11:00:00 2020 (America/Los_Angeles)
Until: Wed Jun 10 12:00:00 2020 (America/Los_Angeles)
Organisers "Nelson, Laurel" <"/o=exchangelabs/ou=exchange administrative group (fydibohf23spdl)/cn=recipients/cn=f1bbaebb6f0a4bed808e0303e8b537f0-nelson1">
Required Attendees: "Nelson, Laurel" <laurel.nelson@seattle.gov>
 "Fong, Michael" <michael.fong@seattle.gov>
 "Ranganathan, Shefali" <shefali.ranganathan@seattle.gov>
 "Sixkiller, Casey" <casey.sixkiller@seattle.gov>
 "Formas, Stephanie" <stephanie.formas@seattle.gov>
 "Auriemma, Anthony" <anthony.auriemma@seattle.gov>
 "Kline, Julie" <julie.kline@seattle.gov>
 "Aisenberg, Kathryn - MOS" <kathryn.aisenberg2@seattle.gov>
 "Apreza, Ernesto" <ernesto.apreza@seattle.gov>
 "Best, Carmen" <carmen.best@seattle.gov>
 "Mahaffey, Thomas" <thomas.mahaffey@seattle.gov>
 "Diaz, Adrian" <adrian.diaz@seattle.gov>
 "Scoggins, Harold D" <harold.scoggins@seattle.gov>
 "Aguirre, Jesús" <jesus.aguirre@seattle.gov>
 "Hara, Mami" <mami.hara@seattle.gov>
 "Goings, Calvin" <calvin.goings@seattle.gov>
 "Zimbabwe, Sam" <sam.zimbabwe@seattle.gov>
 "Mantilla, Andres" <andres.mantilla@seattle.gov>
 "Neafcy, Kenneth" <kenneth.neafcy@seattle.gov>
Optional Attendees: "Grove, Kiersten" <kiersten.grove@seattle.gov>
 "Reed, Michelle" <michelle.reed@seattle.gov>
 "Worcester, Ned" <ned.worcester@seattle.gov>
 "Buechler, Chad M" <chad.buechler@seattle.gov>
Attachments: 2020-06-10 6am Call Notes.docx (23.91 kB)

6/10 6AM Call Notes

NEXT CALL: 11AM

Overnight: There were about 15-30 people in front of the precinct overnight. Yesterday, there was a larger protest at Cal Anderson that ended with a march to City Hall and back to Cal Anderson.

This morning: There are about 50 people there this morning. Early morning crowd very calm and welcomes the boarding up of the 2nd floor and the defueling the tank. There is no trash on the street. The site is very clean. They are very invested in having a peaceful atmosphere. They would like to have the rear door on Pine Ave locked (currently unlocked) and have been manning it to keep people out. There are no new perimeter barriers. There are a row of 10 tents on 12th ave and a couple on 13th

There was some discussion about bringing in a professional negotiator.

More large protests expected this weekend

OVERALL OBJECTIVES: Continuing the existing footprint of peaceful demonstration and rights

1. Pursue physical modifications to the footprint
 - 1.1. Get out non-SDOT barriers. Ensure coordination with SPD to remove the bike racks and rented barriers and replace them with orange barricades/water barriers (LEAD: SDOT)
 - 1.2. Pivot this into a street closure. Make it into a regular street closure (so they don't feel like they need to guard the edges) (LEAD: SDOT)
2. Secure the building. See what is going on in the building.
 - 2.1. Assess if there is anything that needs to be retrieved inside the building. (LEAD: SPD)
 - 2.2. Provide the City team any information on armed individuals and if they are still there. (LEAD: SPD)
 - 2.3. Have fire do a life safety check inside the building making sure the fire suppression inside the building is operational. (Lead: SCOGGINS) HOLDING
 - 2.4. Have FAS secure the building and defuel the generator. (Lead: FAS) HOLDING.
3. Encourage conversations between protest groups and/or the City. One group has released list of 25 demands. None of which includes the East Precinct. City needs to help encourage the conversation between the group that provided the demand and other protest groups.
 - 3.1. Identify who should be on the strategy session. (LEAD: CASEY)
 - 3.2. Identify clear parameters for City's position to negotiate. (LEAD: CASEY)
 - 3.3. Have an internal discussion about the list of demands. (LEAD: CASEY)
 - 3.4. Identify the protest leaders. (LEAD: CASEY)
 - 3.5. Should we bring in a negotiator or is the City the right intermediary?

STATED DEPARTMENT DESIRED GOALS

- SDOT: a little concerned about sending their teams back in without having a game plan. Would like to get lights back on and barriers/barricades removed.
- Fire: Access and egress. Be able to navigate that area.
- FAS: Concerns in sending staff into area. Remediate the diesel and secure the building.
- SPD: Get Officers back in the building. Get any items left inside the building.
- SPR: Don't move them to the park.

Exhibit 12

RE: SPU Support on 'March for Justice' events

From: "VanDusen, Hans" <hans.vandusen@seattle.gov>
To: "Hara, Mami" <mami.hara@seattle.gov>
Cc: "Fowler, Jeff" <jeff.fowler@seattle.gov>; "Worcester, Ned" <ned.worcester@seattle.gov>; "Buechler, Chad M" <chad.buechler@seattle.gov>; "Hare, David" <david.hare@seattle.gov>; "Beauregard, Idris" <idris.beauregard@seattle.gov>; "Barrett, Ty" <ty.barrett@seattle.gov>
Date: Fri, 12 Jun 2020 15:17:50 -0700

3pm Fri June 12

Citywide marches – Large march activity this afternoon for Capital Hill, Beacon Hill and throughout the City.

East Precinct Zone – Protestor-established barricades remain at street ends for appx 7 blocks around SPD East Precinct as shown in prior map. SPU GM and others continue to monitor onsite to support safe access for City staff and contractors. Recommended access hours for services within zone are 8am-10am, with primary access at 12th and Pike barricade. Perimeter customers and services available throughout the day.

SPD building – SPD visited Thursday to assess and address interior items. Minimal activity today. No additional request for city departments.

Debris – SPU contractors collected bagged and consolidated debris each morning at collection points in the zone. Minimal scattered litter in zone.

Customer waste services – SPU calling and visiting with business and residential customers within and near the zone to clarify any service changes. SPU able to return some containers that were removed earlier in the week, if customers can safely store and retain. SPU focusing pickup in the zone for Mon, Wed, Fri at 8-10am. SPU providing large shared dumpsters at 13th & Pine and 10th & Pike for customers still without their own waste containers.

Public waste services – Parks to begin daily service of dumpster 11th & Olive in CA Park. Recycling container also at 11th & Olive. SPU distributing bags for public clean-up and servicing consolidation points. As described, much of public debris collected from bagged consolidation at 12th & Pine and other pile locations.

Public toilets – All toilets pumped at appx 10am. 3 private sponsored toilets removed that were not being serviced. SPU SPU wash station water supply replenished. City sani-cans consolidate to:

- 9 at 11th & Olive on street (2 ADU) with 2 wash stations
- 8 at 12th & Pine with wash station
- 4 at 11th & Union

Graffiti – Continued graffiti near East Precinct on private buildings. No action by SPU and SDOT within zone. Continued abatement outside of zone.

Broken window boarding – SDOT dispatched to board broken window at Hillcrest Market 110 E Summit.

Preventive boarding – None.

CID Deboarding – Future plans TBD.

EOC Support – Hans continues remote operational coordination, through the weekend. OEM providing onsite EOC support and SPU liaison as needed. Clean City and GM providing onsite response in zone.

Let me know any questions.

From: VanDusen, Hans

Sent: Wednesday, June 10, 2020 3:02 PM

To: Hara, Mami <Mami.Hara@seattle.gov>

Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>;

Buechler, Chad M <Chad.Buechler@seattle.gov>; Hare, David <David.Hare@seattle.gov>;

Beauregard, Idris <Idris.Beauregard@seattle.gov>; Barrett, Ty <Ty.Barrett@seattle.gov>

Subject: RE: SPU Support on 'March for Justice' events

3pm Wed June 10

(Some redundancy with Chad update)

East Precinct Zone – New barricades continue to adjust at street ends in blocks around SPD East Precinct. See map. City department directors and staff on-site to coordinate fire and emergency access, site hygiene and other public needs.

SPD building – FAS second story boarding canceled. FAS Fuel removal from basement generator postponed. EOC and SPD coordinating door security and further item removal.

Debris – Minimal scattered debris this morning. Litter had been consolidated and set-out at barricade street-ends. SPU contractors collected street ends and other internal debris piles this morning.

Business Waste services and container reduction – SPU & contractors coordinated service adjustments to respond to both: 1. Restricted zone access and 2. Appx 50 containers removed Monday for fire safety. SPU and Recology informing customers with options and revisions, including set-out times in zone, early am, to provide access for service. SPU providing large dumpsters at 13th & Pine and 10th & Pike for customers that had their own containers removed. SPU reviewing individual container for return to area if can be secured.

Public waste services – Parks dumpster provide at CA Park. As described, SPU contractors collection debris piles street ends, litter cans and other locations.

Public toilets – SPU supported servicing at current toilets. SPU coordinated FAS delivery of 5 new toilets at 11th and Olive, adjacent to east entrance to Cal Anderson Park. SPU will install washing station at this location. SPU will continue to review with Parks and MO future adjustments. Current toilets:

- 5 at 11th & Olive on street (FAS),
- 3 in CA Park near 11th & Olive (Parks)
- 8 at 12th & Pine (FAS)
- 4 at 11th & Union (SPU)

Graffiti – Continued graffiti near East Precinct on private buildings. SPU and SDOT directed to hold off on near-term abatement within the nearby zone.

Broken window boarding – None.

Preventive boarding – None.

CID Deboarding – OED, Arts and others continue to engage with CID groups and artists on plans, options, needs and timing for potential future deboarding. Plans are TBD.

EOC Support – Hans continues as weekday on-call. Chad as night on-call. Dave as weekend day on-call. But all 3 plenty involved in Ops.

Let me know any questions.



From: VanDusen, Hans

Sent: Tuesday, June 9, 2020 7:38 AM

To: Hara, Mami <Mami.Hara@seattle.gov>

Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>;

Buechler, Chad M <Chad.Buechler@seattle.gov>; Hare, David <David.Hare@seattle.gov>;

Beauregard, Idris <Idris.Beauregard@seattle.gov>; Barrett, Ty <Ty.Barrett@seattle.gov>

Subject: RE: SPU Support on 'March for Justice' events

7:30am Tue June 9

Debris – Minor debris near East Precinct. SPU awaiting confirmation from SPD to access adjacent streets for debris pickup. As you know, barriers and police presence was pulled at 5pm Mon.

Graffiti – Major graffiti on private buildings. SPU and SDOT will hold off on abatement near East Precinct due to access and rain conditions limiting abatement success. We will access for priority hate, race, vulgar graffiti to follow-up later.

Flammable and container reduction – Most business dumpsters from the block around East Precinct were removed yesterday afternoon, per SPD request. A few more that were not accessible, due to pm crowds, will be removed today. SPU will be coordinating with Recology and relevant independent vendors on service plans for businesses whose containers were removed.

Broken window boarding – 1 burglary reported with boards removed at 5th and Pike. SPU confirming if re-boarding assistance is needed.

Preventive boarding – SDOT completed additional preventative boarding of lower level of East Precinct yesterday and installation of chain-link fence adjacent to building. FAS is coordinating contractor to install 2nd story boarding.

Fuel removal – FAS coordinating removal of fuel from East Precinct basement generator by contractor today.

EOC Activation – EOC activation now 4-10pm. SPU requested as on-call 11am-10pm, but not requested at EOC. Hans is current SPU on-call. SWLOB and EM will confer on on-call coverage.

Let me know any questions.

From: VanDusen, Hans

Sent: Monday, June 8, 2020 7:12 AM

To: Hara, Mami <Mami.Hara@seattle.gov>

Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>;

Buechler, Chad M <Chad.Buechler@seattle.gov>; Hare, David <David.Hare@seattle.gov>;

Beauregard, Idris <Idris.Beauregard@seattle.gov>; Barrett, Ty <Ty.Barrett@seattle.gov>

Subject: RE: SPU Support on 'March for Justice' events

7am June 8

Debris – Major debris again near East Precinct. Area was not cleared for clean-up assessment and entry until appx 5:30am. SDOT, SPU Recology and SPU Elmgrove cleaning litter and debris this morning. SDOT heavy equipment will be onsite to address concrete, metal and large items. Recology to relocate dumpsters and litter cans from the street, some burned. No debris reported at other sites.

Graffiti – Major amounts of graffiti on private buildings, including brick. SPU and SDOT will continue to address priority hate, race, vulgar graffiti on private surfaces. Significant volumes of graffiti on private surfaces will likely need to wait for robust public-private after event sweep in future. SPU, SDOT and Parks removing priority tags on public assets today near East Precinct. No graffiti reported at other gathering areas.

Flammable and container reduction – No new action.

Broken window boarding – None reported or observed for dispatch today.

Preventive CID boarding – SDOT was asked to preventatively board up lower level of East Precinct. SPD potentially interested in higher pre-boarding at East Precinct and maybe West Precinct in future but still needs to be confirmed.

EOC Activation – EOC currently scheduled through Sun June 14. SPU EM and SWLOB will provide staffing plan.

Let me know any questions.

From: VanDusen, Hans

Sent: Sunday, June 7, 2020 8:05 AM

To: Hara, Mami <Mami.Hara@seattle.gov>

Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>;

Buechler, Chad M <Chad.Buechler@seattle.gov>; Hare, David <David.Hare@seattle.gov>;

Beauregard, Idris <Idris.Beauregard@seattle.gov>; Barrett, Ty <Ty.Barrett@seattle.gov>

Subject: RE: SPU Support on 'March for Justice' events

8am June 7

Debris – Major debris in Cap Hill near East Precinct, area after significant Sat night activity. SDOT, Recology and Elmgrove cleaning this morning. No significant debris reported yet for other protest gatherings.

Graffiti – SPU, SDOT and Parks dispatching today for removal near Cal Anderson. No reports yet on other gathering areas.

Flammable and container reduction – No new action.

Broken window boarding – 1 reported near Cap Hill and dispatched today.

Preventive CID boarding – Project completed Friday night.

Let me know any questions.

From: VanDusen, Hans

Sent: Saturday, June 6, 2020 7:17 AM

To: Hara, Mami <Mami.Hara@seattle.gov>

Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>;

Buechler, Chad M <Chad.Buechler@seattle.gov>; Hare, David <David.Hare@seattle.gov>;

Beauregard, Idris <Idris.Beauregard@seattle.gov>; Barrett, Ty <Ty.Barrett@seattle.gov>

Subject: RE: SPU Support on 'March for Justice' events

7am June 6

Debris – No major debris reported. Most cleaned-up overnight by SPU contractors and protestors.

Graffiti – Medium. SPU, SDOT and Parks scheduled for removal today, especially near Cal Anderson, near 23rd & Jackson protest site, and march route between.

Flammable and container reduction – SPU will continue focus on potential Saturday protest sites

Broken window boarding – 1 re-boarding reported overnight and dispatched today. (Ross downtown had boards removed for looting that will be replaced.)

Preventive CID boarding – SDOT and FAS completed final 6 sites yesterday on last day of City preventive boarding project. Young artists (younger than me), many from the community hosted, an impressive mural painting event on the CID plywood yesterday. I'll send some pictures later.

Let me know any questions.

Hans Van Dusen
Solid Waste Contracts Manager
(206) 310-0341

From: VanDusen, Hans
Sent: Friday, June 5, 2020 8:20 AM
To: Hara, Mami <Mami.Hara@seattle.gov>
Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>; Buechler, Chad M <Chad.Buechler@seattle.gov>
Subject: RE: SPU Support on 'March for Justice' events

8am June 5

Debris – Small litter and full litter cans at Thursday protest sites with SDOT & Recology responding this morning

Graffiti – Medium. Graffiti removal scheduled today, mostly Cal Anderson area again – with SDOT & Parks

Flammable and container reduction – SPU will focus on potential Friday sites and prepare for the larger weekend protest events.

Broken window boarding – Dispatched 1 site today with broken glass today (on MLK South near the Othello protest site but possibly note related)

Preventive CID boarding – Dispatched final 6 sites today to small SDOT crew for early board up prior to community murals event today. Final tally should be by appx 230 CID sites. An impressive One City commitment to the community, culminating with another heroic late night Thursday shift by SPU warehouse, PDB and DWW crews.

Let me know any questions.



Hans Van Dusen
Solid Waste Contracts Manager
City of Seattle, Seattle Public Utilities
O: 206-684-4657 | M: 206-310-0341
[Facebook](#) | [Twitter](#)

From: VanDusen, Hans
Sent: Thursday, June 04, 2020 9:24 AM
To: Hara, Mami <Mami.Hara@seattle.gov>
Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>
Subject: RE: SPU Support on 'March for Justice' events

9:00 am June 4

Debris removal – Mostly litter, not large debris last night. Clean-up & litter cans completed this morning for Wed protest or march areas, including Cal Anderson, Pike/Pine corridor, City Hall - with SDOT, Recology and Clean City

Graffiti abatement – Medium. Graffiti removal scheduled today, mostly Cal Anderson area – with SDOT & Parks

Flammable and container reduction – Continue to monitor remove containers and excess materials around Cal Anderson

Broken window boarding – Dispatched 0 sites with broken glass today

Preventive CID boarding – Dispatched appx 20 sites to SDOT and SPU today. Should be nearly complete on all requests today. I expect small deployment tomorrow.
Total closed out to date = 192; Total open requests = 24; Total open and closed requests = 216

Let me know any questions.



Hans Van Dusen
Solid Waste Contracts Manager
City of Seattle, Seattle Public Utilities
O: 206-684-4657 | M: 206-310-0341
[Facebook](#) | [Twitter](#)

From: VanDusen, Hans
Sent: Wednesday, June 03, 2020 3:45 PM
To: Hara, Mami <Mami.Hara@seattle.gov>
Cc: Fowler, Jeff <Jeff.Fowler@seattle.gov>; Worcester, Ned <Ned.Worcester@seattle.gov>
Subject: SPU June 3 Support on 'March for Justice' events

Debris removal – Significant debris clean-up & dumpster recovery for on Capitol Hill during the night and early morning - with SDOT, Recology and Clean City

Graffiti abatement – Graffiti removal, mostly Cal Anderson, plus City Hall and other locations

Flammable and container reduction – Removed containers and excess materials around Cal Anderson prior to today's rally

Broken window boarding – Dispatched 2 sites with broken glass

Preventive CID boarding – Dispatched appx 30 sites to appx 38 staff in field (Parks, FAS, SDOT)
(I'll check on our latest boarding tallies)

Hans Van Dusen
(206) 310-0341
Seattle Public Utilities

Exhibit 13

2PM Update - E Precinct (see notes)

Where: 701-801-1211; 591-015-294
When: Wed Jun 10 14:00:00 2020 (America/Los_Angeles)
Until: Wed Jun 10 15:00:00 2020 (America/Los_Angeles)
Organisers "Nelson, Laurel" </o=exchangelabs/ou=exchange administrative group (fydibohf23spdl)/cn=recipients/cn=f1bbaebb6f0a4bed808e0303e8b537f0-nelsonl1">
Required Attendees: "Fong, Michael" <michael.fong@seattle.gov>
 "Ranganathan, Shefali" <shefali.ranganathan@seattle.gov>
 "Sixkiller, Casey" <casey.sixkiller@seattle.gov>
 "Formas, Stephanie" <stephanie.formas@seattle.gov>
 "Auriemma, Anthony" <anthony.auriemma@seattle.gov>
 "Kline, Julie" <julie.kline@seattle.gov>
 "Aisenberg, Kathryn - MOS" <kathryn.aisenberg2@seattle.gov>
 "Apreza, Ernesto" <ernesto.apreza@seattle.gov>
 "Best, Carmen" <carmen.best@seattle.gov>
 "Mahaffey, Thomas" <thomas.mahaffey@seattle.gov>
 "Diaz, Adrian" <adrian.diaz@seattle.gov>
 "Scoggins, Harold D" <harold.scoggins@seattle.gov>
 "Aguirre, Jesús" <jesus.aguirre@seattle.gov>
 "Hara, Mami" <mami.hara@seattle.gov>
 "Goings, Calvin" <calvin.goings@seattle.gov>
 "Zimbabwe, Sam" <sam.zimbabwe@seattle.gov>
 "Mantilla, Andres" <andres.mantilla@seattle.gov>
 "Neafcy, Kenneth" <kenneth.neafcy@seattle.gov>
Optional Attendees: "Grove, Kiersten" <kiersten.grove@seattle.gov>
 "Reed, Michelle" <michelle.reed@seattle.gov>
 "Worcester, Ned" <ned.worcester@seattle.gov>
 "Buechler, Chad M" <chad.buechler@seattle.gov>
 "Rivera, Maritza" <maritza.rivera@seattle.gov>
Attachments: 6-10-20 11 AM E Precinct Call Notes (002).docx (23.81 kB)

6/10/20 11 AM E Precinct Call Notes

NEXT CALL 2:00 PM:

Situation Update: E Precinct doors are locked and the SAID card system working again, but it doesn't sound like this has been verified with eyes on scene. Personal Property and some files remain in the E Precinct Building. There are some reports of group members checking ID or questioning people at checkpoints.

1. Pursue Physical Modifications to Barriers/Footprint
 - Negotiations continue. Non-SDOT metal barrier removal began, but group leaders changed their mind and metal barriers remain. Unknown how much progress with barrier/footprint modification can be made today. Existing street closures remain in place. There is confusion among the group leaders on site as to who can make decisions on footprint/barrier removal.
 - Looking at setting a planter at 10th and Pine
2. Secure the E Precinct Building
 - Personal Property and files remain in the building, it is difficult to inventory everything that remains.
 - SPD is aware that additional police presence could increase tension
 - SPU offered to provide a dumpster accessible by minimal staff that could be removed by a collection vehicle. SPD will pass the offer on to SPD Incident Command.
 - Chief Scoggins and Stephanie Formas past the lobby are still locked. But front doors from the street were "green" and unlocked. The rear door was also "green" and unlocked, but fencing was in place and undamaged. SPD will follow up on reviewing and verifying locked doors.
 - FAS continues to defer to SPD on defueling the generator. Defueling the generator seems to be of lower concern.
3. Encourage conversations between protest groups and the city.
 - Efforts continue, led by the Mayor's Office in response to the requests made by groups on site.
4. Cal Anderson Park Support
 - There are concerns about the level of permanent activity at the park. There are at least 27 tents on site and a group was digging a community garden. The tents appear to be a diverse set of protesters. SPU, Parks, and DM Sixkiller will follow up separately on the portable toilet strategy.

SPU, Parks to address the request for 17 port-a-potties

OEM will follow-up on secondhand information about persons being asked to show IDs.

Exhibit 14

RE: TPs on Capitol Hill

From: "Williams, Lorelei" <lorelei.williams@seattle.gov>
To: "Zimbabwe, Sam" <sam.zimbabwe@seattle.gov>
Date: Mon, 29 Jun 2020 11:32:17 -0700

Very helpful. Thank you.

Lorelei Williams, P.E.
O: 206.684.5178

From: Zimbabwe, Sam <Sam.Zimbabwe@seattle.gov>
Sent: Monday, June 29, 2020 10:49 AM
To: Williams, Lorelei <Lorelei.Williams@seattle.gov>
Subject: TPs on Capitol Hill

- We've tried to maintain a safe area for protest activities while de-escalating the tensions around Seattle Police Department budgets.
- The East Precinct became a flash point for protests in the week after George Floyd's murder and was the site of nightly showdowns between police and protestors.
- While a national image of the protest zone has been one of fortification, City staff have been on the ground each day, trying to work with protest organizers to ensure emergency vehicle access and services like garbage collection.
- SDOT worked to install barriers to create a protest zone while allowing for street traffic, but there has been continual blocking of access by protestors, especially overnight.
- There is a very different feeling to the area during the day, when it is a pedestrian-friendly area and open to protest activities, art, etc, and at night, when there is a different feeling of access and "security". This part of Capitol Hill has long been a challenge in nighttime hours, but emergency response has been hampered.
- Definitely new activities for our crews in terms of creating this zone and working with an amorphous and consistently changing group of protest leaders.

Let me know if you need any more.

Sam



Sam Zimbabwe (he/him/his)

Director

City of Seattle, [Department of Transportation](#)

O: 206-684-5000 | sam.zimbabwe@seattle.gov

Sr. Executive Assistant: Jessica Alinen | jessica.alinen@seattle.gov | 206-684-5026

[Web](#) | [Blog](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#) | [Flickr](#) | [Customer Service](#)

Exhibit 15

FW: Communications: Response protocol notification for East Precinct (red zone) and protests

From: "Mahaffey, Thomas" </o=exchangelabs/ou=exchange administrative group (fydibohf23spdl)/cn=recipients/cn=98f176694cde45f6843407e4d8e7c3b8-mahafft>
To: "Best, Carmen" <carmen.best@seattle.gov>
Date: Sun, 14 Jun 2020 20:12:02 -0700
Attachments: 2020-06-15 June 15 Events FINAL IAP.PDF (881.28 kB)

Chief,

If other City agencies are successful at getting the barricades that are set up removed, then I can consider adjusting our current response protocols. As of now, there are too many unknown conditions that adversely impact officer safety to send our officers into the blockaded area unless it is a critical life safety emergency. We have numerous incidents over the past several days of calls placed that we are not able to verify that seem to be an effort to instigate a police response into the protest zone.

TM

From: SPD Events <SPDEvents@seattle.gov>
Sent: Sunday, June 14, 2020 7:54 PM
To: SPD Dispatch <SPDDispatch@seattle.gov>; SPD_Comm_Supervisors <SPD_Comm_Supervisors@seattle.gov>
Cc: Edwards, Michael <Michael.Edwards@seattle.gov>; Swank, Keith <Keith.Swank@seattle.gov>; Grenon, Bryan <Bryan.Grenon@seattle.gov>; Grossman, Kevin <Kevin.Grossman@seattle.gov>; Williams, Joel <Joel.Williams@seattle.gov>; Kelley, Christopher <Christopher.Kelley@seattle.gov>; Mahaffey, Thomas <Thomas.Mahaffey@seattle.gov>; Danielson, James <James.Danielson@seattle.gov>; Davis, Tyrone <Tyrone.Davis@seattle.gov>; Litsjo, Stacy <Stacy.Litsjo@seattle.gov>
Subject: Communications: Response protocol notification for East Precinct (red zone) and protests
Importance: High

FYI

The below was added to today's IAP as a contingency.
For your awareness.

Demonstration Events/Street Marches

With the current demonstration response protocol, the Department will continue to monitor events on a daily basis however we will not deploy police resources to demonstration or protest-related events except to address a life-safety emergency.

Patrol Task Force will be prepared to deploy to any event citywide as directed by an on-duty Patrol lieutenant or above to address a life-safety emergency that exceeds the capacity of a regular Patrol response.

Red Zone Response (East Precinct)

For any calls or incidents within the “Red Zone” in the East Precinct:

- For all calls originating from **within the red zone**, Communications Section personnel should attempt to coordinate officer contact outside the red zone boundary.
- Officers should not respond to calls for service within the red zone, unless the response is to a mass casualty event (e.g. active shooter incident, structural fire likely to endanger human lives etc.). If responding to a mass casualty incident within the red zone, all responding officers should muster with a supervisor outside that zone to determine the police response, develop a plan, and deploy with needed resources. Coordination with SFD or any other city resources should take place outside of the Red Zone perimeter.
- **Edward Sector: Requires a four-officer minimum response to all Edward Sector calls for service outside the red zone.**

****Officers should continue to document calls for service that originate from within the red zone, even under circumstances where complainant/victim contact isn't possible.**

- **Communications will immediately notify SPOC of the following:**
 - **Any Mass Casualty event i.e: Active Shooter, structural fire likely to endanger human lives.**
 - **Any large protests within the city**
- **SPOC will remain activated 24/7 until further notice.**
- **SPOC will notify the designated On Call Duty Captain of the above incidents.**
- Schedule is below:

Sunday, June 14	Swank
Monday, June 15	Swank
Tuesday, June 16	Wilske (as the regular on duty captain)
Wednesday, June 17	Edwards
Thursday, June 18	Edwards
Friday, June 19	Edwards
Saturday, June 20	Edwards
Sunday, June 21	Edwards

Exhibit 16

MATTHEW PLOSZAJ
6/10/2021

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE</p> <hr/> <p>HUNTERS CAPITAL, LLC, et al.,) Plaintiffs,) vs.) No. 20-cv-00983-TSZ CITY OF SEATTLE,) Defendant.)</p> <hr/> <p>ZOOM VIDEO DEPOSITION UPON ORAL EXAMINATION OF MATTHEW PLOSZAJ</p> <hr/> <p>10:30 a.m. June 10, 2021</p> <p>*** This transcript is marked confidential. ***</p> <p>REPORTED BY: Pat Lessard, CCR #2104</p>	<p style="text-align: right;">Page 3</p> <p>1 EXAMINATION 2 ATTORNEY PAGE 3 BY MS. PRATT: 5 4 BY MS. PRATT: 63 5 EXHIBIT INDEX 6 No. DESCRIPTION PAGE 7 Exhibit 54 1/12/21 form from Employment 64 8 Security Department for Matthew 9 Ploszaj. 10 Exhibit 55 Map of Ploszaj neighborhood. 66 11 Exhibit 49 Plaintiff's Answers and Responses 107 12 to Defendant City of Seattle's 13 Second Discovery Requests and 14 Proposed Revisions to First 15 Discovery Requests. 16 Exhibit 8 Plaintiffs' Initial Disclosures. 135 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 FOR THE PLAINTIFFS: 4 MR. GABE REILLY-BATES 5 Calfo Eakes 6 1301 Second Avenue, Suite 2800 7 Seattle, WA 98104 8 206.294.7440 9 gaber@calfoeakes.com 10 11 FOR THE DEFENDANTS: 12 MS. CAITLIN PRATT 13 Harrigan Leyh Farmer & Thomsen 14 999 Third Avenue, Suite 4400 15 Seattle, WA 98104 16 206.673.1700 17 caitlin@harriganleyh.com 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: We are now on the record. 2 Today is June 10th, 2021. The time is now 3 10:31. 4 This is volume number one, media number one, 5 in the Deposition of Matthew Ploszaj in the matter of 6 Hunters Capital, LLC, et al., versus the City of 7 Seattle. 8 We are recording via Internet using Zoom 9 video conferencing. 10 My name is Karl Benitez and I'm representing 11 Royal Video Productions on behalf of Rough & 12 Associates. 13 Today's court reporter is Pat Lessard. 14 At this time I would like to ask all counsel 15 present to identify themselves. 16 MS. PRATT: This is Caitlin Pratt from 17 Harrigan Leyh Farmer & Thomsen and we represent the 18 City. 19 MR. REILLY-BATES: This is Gabe Reilly-Bates 20 from Calfo Eakes. We represent the plaintiffs in this 21 matter. 22 23 24 25</p>

1 (Pages 1 to 4)

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<p>1 Q. Please tell me when you have it open. 2 A. I'm saving it and I'm going to click to 3 Open. Open. Okay. 4 Q. Can you tell me what Exhibit 54 is? 5 A. It is the Employment Security Department 6 form from Washington State dated January 13, 2021. 7 It looks like a tax statement. Is that 8 this? Yeah, yeah, unemployment compensation. 9 Q. And that's a Form 1099-G, right? 10 A. I am looking for some sort of identifier 11 here. 12 So I'm not -- okay, I see it at the bottom. 13 Yes, IRS.gov/Form 1099-G, yes. 14 Q. Does the number reflected in box one of 15 \$26,548 reflect the total government assistance that 16 you received other than your stimulus checks between 17 March or April of 2020 and September of 2020? 18 A. Yes. 19 Q. And the stimulus checks that you received 20 would have been in addition to this amount, right? 21 A. I believe so, yeah. Because this is 22 unemployment related, correct. 23 Q. Do you remember how much stimulus you 24 received? 25 A. Whatever the first check was, the full</p>	<p>1 Q. To the best of your knowledge of the area is 2 this an accurate map of the area surrounding your 3 apartment? 4 A. Yeah, yeah. It looks about right. I see 5 Cal Anderson, sure. 6 Q. So do you rent your apartment at 1210 East 7 Pine Street? 8 A. Yes. 9 Q. And do you have a lease? 10 A. Yes. 11 Q. What's the term of your lease? 12 A. I believe it's a year term and after the 13 year it auto renews monthly. 14 And I believe I last signed it for the first 15 term, I think that dates back a few years ago, so 16 maybe 2017. 17 Q. You've been month to month since 18 approximately 2017? 19 A. Yeah. And before that it would have been 20 the same and we re-signed in 2017. 21 Q. What's your monthly rent? 22 A. 950. And if I pay early 925. 23 Q. Do you have any roommates? 24 A. No roommates. 25 Q. So that 950 or 925 is the rent for your</p>
Page 66	Page 68
<p>1 amount, what was that, maybe around 1200, I believe. 2 And then later in the year -- I can't 3 remember if it was even last year or this year, but we 4 got a second check that was around \$600. And I got 5 that full amount, too. 6 Q. Where do you live currently? 7 A. 1210 East Pine Street. 8 Q. How long have you lived there? 9 A. Plus or minus eight years, nine years, eight 10 years. 11 Q. Let me show you another exhibit which has 12 been marked 55. 13 (Marked Deposition Exhibit No. 55.) 14 Let me know when you see it. 15 A. Okay. I see it. I'm going to click to 16 download, save it. Saving, click to open here. 17 Okay. It looks like a map of my 18 neighborhood with a red dot on Matthew Ploszaj which 19 looks to be about where I live. 20 Q. (By Ms. Pratt) Okay. Great. 21 So that's exactly what I was going to ask 22 you. Does the red dot and the broad text in a black 23 box with your name in it approximately reflect where 24 your apartment is located? 25 A. Yes.</p>	<p>1 entire apartment? 2 A. For my entire apartment, that is correct, 3 yes. 4 Q. And has that been your rent since you last 5 signed a lease in approximately 2017? 6 A. Correct, yes. 7 Q. Why did you choose to live at 1210 East Pine 8 Street? 9 A. I had a roommate way back in the day. It 10 was time to move out. His girlfriend was pregnant. 11 So I was reaching out to people and reached 12 out to my friend. He mentioned he had an apartment 13 that was opening up at said location. And I viewed 14 it, liked it and signed on at that point and have been 15 there since. 16 Q. Your friend owned the apartment? 17 A. Correct. 18 Q. And he still owns the apartment? 19 A. Correct. 20 Q. Who is your friend? 21 A. Hal Columbo. 22 Q. What's the name of the building? 23 A. I'm not aware that it has a name. It's a 24 house. 25 Q. Is Mr. Columbo involved in this lawsuit at</p>

17 (Pages 65 to 68)

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<p>1 Q. (By Ms. Pratt) Why do you say the George 2 Floyd event? 3 A. You asked me if there was an event. 4 Q. You mean the killing or the murder of George 5 Floyd? 6 A. Yes. 7 Q. Starting with the murder of George Floyd 8 what did you observe in terms of protests near your 9 apartment on East Pine Street? 10 A. Could you be more specific? 11 Q. What was your experience of the protests 12 that began around the time that George Floyd was 13 murdered? 14 A. It was very heated. There were several cop 15 cars burned, destroyed. Police were out on the 16 streets responding, using tear gas. The protestors 17 were likewise responding. And that -- yes. 18 Q. How did that affect your experience of life 19 at your apartment on East Pine Street? 20 A. How did it? 21 Q. Yes. 22 A. It was hard to breathe, hard to sleep. 23 Q. Why was it hard to breathe? 24 A. We don't have the best sealed windows in our 25 apartment so the tear gas seeps in when that was used.</p>	<p>1 Q. How else? 2 A. Well, they evolved into CHOP. 3 Q. Before it evolved into CHOP were there other 4 ways that the George Floyd murder affected your life 5 at your East Pine Street apartment? 6 A. I had to show ID to enter the area. 7 MR. REILLY-BATES: You're talking about 8 before CHOP? 9 THE WITNESS: Correct, correct. 10 MS. PRATT: Counsel, if your client needs a 11 clarification he can ask for it. 12 Q. (By Ms. Pratt) Who asked you to show ID 13 during that time period? 14 A. Officers, police officers. 15 Q. Where were you asked to show ID? 16 A. Thirteenth and Pine, Pike and 12th, other 17 arteries. 18 Q. Was this all day during that time period? 19 A. I can't recall if this was all day all the 20 time. As things went on it was the case. 21 Q. Other than that it was hard to breathe, hard 22 to sleep and that you had to show ID to police 23 officers, were there other ways that the protests that 24 started in approximately May 2020 affected your life 25 at your East Pine Street apartment?</p>
Page 78	Page 80
<p>1 Q. Why was it hard to sleep? 2 A. There were people on my street every night 3 shouting into a bullhorn until odd hours of the 4 morning. 5 Q. Were the protests localized at the East 6 Precinct around the time when they began in May of 7 2020? 8 A. Largely, yes. However, I'm aware there were 9 protests throughout the city and oftentimes the 10 protests would move around. 11 But it was a nightly occurrence around the 12 East Precinct in addition to whatever else was 13 occurring. 14 Q. Other than making it hard to breathe and 15 hard to sleep were there other ways that the protests 16 in May of 2020 regarding the George Floyd murder 17 affected your experience of living at your East Pine 18 Street apartment? 19 A. I'm sorry. Could you repeat that, please? 20 Q. Other than your description that the 21 protests affected your life because it was hard to 22 breathe and hard to sleep, were there other ways that 23 the protests that started in May 2020 affected your 24 life? 25 A. Yes.</p>	<p>1 A. Not that I can articulate at this point but 2 I'm sure in some way it had. 3 Q. Was your access to your apartment restricted 4 in any other way other than having to show ID? 5 A. I would have to walk through crowds to get 6 to the point where I could show my ID. 7 Q. Do you have a car? 8 A. I do. 9 Q. Do you park at your apartment? 10 A. No. 11 Q. Where do you park the car? 12 A. Behind Langston Manor Apartments at 19th and 13 Republican. 14 Q. How long have you parked your car there? 15 A. I don't remember specifically but it's fair 16 to say maybe five or six years. 17 Q. So when you were working through crowds to 18 show your ID to get to your apartment in May of 2020, 19 were you working through those crowds on foot? 20 A. Correct. 21 Q. Were there any barriers or other 22 obstructions apart from the crowds that affected your 23 ability to access your building at East Pine Street? 24 A. Not before CHOP, no. 25 Q. Where did you live before you moved to the</p>

20 (Pages 77 to 80)

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<p>1 apartment on East Pine? 2 A. 1727 Northwest 57th Street. 3 Q. Do you plan to stay at your current 4 apartment? 5 A. Yes. 6 Q. Why? 7 A. I have no other plans at the moment. 8 Q. Have you ever considered leaving that 9 apartment? 10 A. Yes. 11 Q. When? 12 A. Many times. Could you be more specific? 13 Q. When was the last time considered leaving 14 that apartment? 15 A. Within the past month. 16 Q. And why have you considered leaving it? 17 A. I don't know, maybe it came up in 18 conversation and people asked if I planned to live 19 there. 20 Q. Where else would you live? 21 MR. REILLY-BATES: Objection; vague. Calls 22 for speculation. 23 Q. (By Ms. Pratt) Go ahead. 24 A. Down the street, Chicago, New York, 25 Argentina, Italy.</p>	<p>1 A. Correct. 2 Q. What damages are you claiming? 3 A. Emotional, lost productivity, lost 4 opportunity. 5 Q. What else? 6 A. I'm not sure I follow. 7 Q. Are there any other things for which you're 8 claiming damages? 9 A. I don't believe so. I believe those three 10 are good. 11 Q. How much are you claiming for emotional 12 damages? 13 A. 30,000. 14 Q. How much for lost productivity? 15 A. Ten, 15. 16 Q. How about lost opportunity? 17 A. Five, ten. 18 Q. What's the basis for your claim of \$30,000 19 in emotional damages? 20 MR. REILLY-BATES: Objection; calls for 21 legal conclusion. 22 Q. (By Ms. Pratt) Go ahead. 23 A. I don't understand what you mean by what's 24 the basis. 25 Q. What's the factual basis for your claim that</p>
Page 82	Page 84
<p>1 Q. Where down the street would you consider 2 living? 3 A. Anywhere that looked inviting. 4 Q. Would you consider sharing your current 5 apartment? 6 A. Could you be more specific? 7 Q. Do you have renters insurance at your 8 current apartment? 9 A. I do. 10 Q. Who is your policy through? 11 A. I believe Geico. 12 Q. When did you get that policy? 13 A. At some point this year. 14 Q. Did you have a different policy before this 15 year? 16 A. No. 17 Q. Why did you choose to get renters insurance 18 this year? 19 A. I don't know exactly why. It's always been 20 on my mind but for some reason I made the move. 21 Q. Have you made a claim on your renters 22 insurance? 23 A. I have not. 24 Q. You're claiming damages in this case, 25 correct?</p>	<p>1 the City should pay you \$30,000 for emotional damages? 2 A. Do you want me to recount the facts? 3 Q. I want you to tell me what you understand is 4 the factual basis for your claim of \$30,000 in 5 emotional damages against the City. 6 A. Yeah, emotionally distraught by CHOP, 7 everything that happened. I've had my life 8 threatened. I've had -- still have had my life 9 threatened. I'm still not sure if it's even safe to 10 live in Capital Hill. I certainly need help sorting 11 that out. 12 But I am even now shaken up thinking about 13 confronting people who have broken into my apartment. 14 It gets my fight or flight response stirred. 15 We had someone jump on our roof, threaten to 16 kill themselves, threaten to kill us in the building. 17 When someone broke into our apartment I 18 still saw him on the streets every day post CHOP. 19 My activities living there put a mark on 20 myself and my neighbors. 21 And we've had our trash cans burned multiple 22 times. We've had threats to us spray painted on the 23 sidewalk that continue on. People still know we live 24 there post CHOP. 25 Even to all the protests that happened post</p>

21 (Pages 81 to 84)

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1 CHOP, they all started at Cal Anderson. And so I
2 would walk through Cal Anderson and there would always
3 be a handful of people who were going to take place in
4 those protests, and they would look eyes on me as I'm
5 walking through the park.

6 They don't take their eyes off me as I walk
7 through the park. They look very menacing and
8 threatening to myself as I continue on.

9 As of a week ago we've seen new tagging in
10 the neighborhood repeating last summer saying "Kill
11 Cops," saying "Same fight, different summer."

12 So these people are still there and we're
13 still a target. You know, we haven't moved or gone
14 anywhere.

15 So I'm shaken, I'm shaken now. It's still
16 hard to sit down and do work. It's still hard to
17 stand at the office. Every time I hear the gate open
18 and close, even if it's my neighbor, I still look out
19 the window to see who it is.

20 Anytime I hear anything loud, a firecracker
21 or something, or a car back fires or madness on the
22 streets I get shaken up and stirred.

23 I get worried that another person was shot
24 and killed just a block away.

25 I'm very shaken up by it still. It's been

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1 mentioned it was a little bit unnerving and
2 frightening. I don't know if it is a good thing or a
3 bad thing that I went to them and there was nothing
4 they can do.

5 And the next day I'm out on the street and
6 the same person who broke into our property and saw me
7 on the street, he now looks at me when I go onto the
8 street during CHOP, making eye contact at me.

9 At one point he started walking towards me
10 so I walked back into my building. He broke in
11 again.

12 Same thing, called the police. It was very,
13 very startling, unnerving.

14 Yeah, I still haven't gotten over that, so I
15 have a lot of that to deal with.

16 There's trying to reach out to the City to
17 report it to anyone, letting them know, knowing a
18 handful of times, you know -- what, three days in I
19 woke up and it's like 5:00 in the morning and there's
20 madness going on out in the streets. People are
21 shouting and fighting.

22 And so I go out to see what's going on and
23 people are breaking into the East Precinct. Other
24 protestors are fighting with them to not break in.

25 A fight breaks out among them. Some of them

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1 very hard to -- it was impossible to work during CHOP
2 and it's been impossible to work after CHOP, being
3 shaken up.

4 Somehow I pulled myself together to
5 interview eventually successfully for a position. But
6 even working on the streets when people make eyes at
7 me, it's hard to know if they're just being honest and
8 kind or if they're one of the protestors that has it
9 out for me or burned our trash cans or wrote "Fuck
10 you, Cam" on our sidewalk.

11 So that's extremely disturbing to me. I am
12 really stirred up by that, so that's part of it.

13 Knowing that the police left, having myself
14 confronted, someone burglarizing our property. Seeing
15 them, scaring them off, being shaken up, calling the
16 police. Having them say "We're not going to come or
17 show up. There's nothing we can do. It's not life
18 threatening."

19 So that got me going, really shaken up, not
20 knowing if it's safe to live, safe to walk in and out
21 of the property.

22 And then having brought it up with CHOP
23 security, "Hey, there's this guy there, you know, the
24 police aren't doing anything. What should we do?"

25 The fact that I went to CHOP security and

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1 yank the other ones out of the precinct.

2 I knew it didn't look good from the very
3 beginning. I called the police right away. Shortly
4 after I wrote the mayor and that's troubling.

5 And then not far after that a young teenager
6 of color gets shot and killed on the streets of CHOP
7 and that's disturbing to me.

8 And I'm still living there, at night, 2:00,
9 3:00, 4:00 in the morning hearing fireworks and gun
10 shots and not being able to decipher between them.

11 Knowing that it's a possibility, it seems
12 likely, that CHOP protestors killed another teenager
13 of color near the end. That's extremely disturbing.

14 Still living there knowing that there is
15 still protestors that come out on a fairly regular
16 basis.

17 And not the protests that used to happen on
18 Capital Hill. These are people blocking the streets,
19 lighting fires, burning our trash cans, confronting
20 the people who live there. It gets you shaken up
21 pretty bad.

22 I've had emotional stress since then. I've
23 had some body issues that I've had to deal with. I
24 have a really bad knee and it's a good chance that
25 that's related -- I mean I've been in great shape

22 (Pages 85 to 88)

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1 forever. And I didn't do anything different. But
2 there's like a chance that that knee being hurt and
3 all that, there's a good chance that that has occurred
4 due to all my emotional stress, because I can't think
5 of any other reason.

6 You know, living there now -- all my
7 neighbors have moved out. So, you know, I used to
8 feel at least comforted knowing a lot of the people,
9 neighbors in the building, neighbors in the building
10 next to ours. But they've moved out, so that's hard.

11 And so to see and talk to someone that's,
12 you know, that's going to be a challenge to see.

13 Q. Do you have new neighbors?

14 A. I do have some new neighbors, yes.

15 Q. Are there vacant units in your building?

16 A. Not in my building at the moment, no.

17 Q. Why are the consequences that you've just
18 described the City's fault?

19 A. Well, I can't imagine who else didn't decide
20 to intervene when someone broke into my apartment but
21 the City.

22 The City up and left. They put
23 porta-potties in there. They knew what was going to
24 happen going into the events of CHOP, so they set it
25 up.

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1 building, how are we going to get services to them in
2 an emergency? What do we do about our trash? All
3 very reasonable concerns.

4 Myself and my neighbors just got booed down,
5 shouted down, called very nasty things.

6 So, you know, we wouldn't be having these
7 discussions had the streets not been abandoned by the
8 police, by the City. You know, it took the City 23
9 days to do anything about it.

10 Post CHOP, same thing. The City let people
11 run the streets, block traffic, burn things on the
12 streets without any consequences or anything to it.

13 And so they're involved. They're burning
14 our trash cans. We go without garbage service for
15 months, so now the garbage is piling up right on our
16 sidewalks.

17 And the City, one, is tolerating the
18 behavior, but, two, not getting us fresh trash cans
19 while picking it up.

20 There's more of the City -- even now, you
21 know, it's -- yeah, the City abandoned the streets,
22 you know.

23 Who else could it have been? I mean how
24 many calls did I make? How many letters did I write?
25 And, you know, no response.

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1 It was the City's barricades that kept
2 people out after. It was the City's concrete blocks
3 that the protestors moved around that I know the City
4 knew about because I called and showed them video.
5 And they surely knew what was going on.

6 The City supported it 100 percent of the
7 way. They wouldn't come in. They wouldn't do
8 anything when someone jumped on our roof, and when I
9 called the City, and was threatening to kill us and
10 kill themselves.

11 In a life-threatening scenario the police --
12 three times I called them and they just thanked me for
13 the update. The fire department didn't come in and
14 help. So that happened.

15 The protestors met and gathered on City
16 parks after, during. So, you know, the City let them
17 block the streets, let them camp in the parks and
18 gather at the parks during CHOP and post CHOP.

19 And so the City's 100 percent responsible.
20 I mean when we want to know -- we neighbors brought it
21 to the attention of CHOP leaders in public assemblies
22 and town halls. Myself and a couple of neighbors had
23 some concerns, very reasonable, you know, there's some
24 loud music going on in the quiet hours.

25 There were compromised people in our

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1 And then the other reason it's clear was the
2 City was -- when things did turn around, you know, it
3 wasn't because the protestors let themselves out of
4 the neighborhood. The City came in.

5 The killings didn't stop, the shootings
6 didn't stop until the City intervened.

7 So when the City left, people started
8 breaking into our apartment. People started getting
9 shot and killed. People started getting raped in the
10 park. And that continued on unabated.

11 And then the City finally came back in and
12 we haven't had a break-in since. We haven't had these
13 things happen.

14 Q. Is your \$30,000 in emotional damages from
15 the period between when the East Precinct was
16 evacuated and when the park was cleared at the
17 beginning of July of 2020?

18 MR. REILLY-BATES: Objection; vague.

19 Q. (By Ms. Pratt) Go ahead.

20 A. I'm sorry. Can you repeat that or be a
21 little more specific or elaborate?

22 Q. The damages -- the \$30,000 in emotional
23 damages that you're claiming from the City, what
24 period of time do those damages relate to?

25 A. It relates from CHOP. It relates from when

23 (Pages 89 to 92)

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1 it started, when the police abandoned to when they
2 came back and then everything that happened since.

3 But it's that period, those three-ish weeks,
4 those three weeks and then some that this occurred.

5 Q. Okay. So you said everything that happened
6 since and I'm just trying to get a clearer answer.

7 Are the \$30,000 in emotional damages from
8 that CHOP period or from the CHOP period and then
9 some?

10 A. I'm sorry. The money like -- yeah, it's
11 from CHOP, right. There are threats that came in and
12 it hasn't gone away, so.

13 Q. Right. So that's what I'm trying to clarify
14 with you.

15 Are your damages from the period where the
16 CHOP was in place or are your damages from a broader
17 period of time?

18 A. No, they're from when CHOP was in place.

19 Q. Okay.

20 A. For emotional.

21 Q. I believe you described some events that
22 happened outside of those three plus weeks.

23 Am I correct that you are not claiming
24 emotional damages related to things that happened
25 outside of those three plus weeks?

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1 shots going on at night. You can't sleep.

2 So then in the day you try to work and do
3 anything, but I mean you're tired, you're exhausted,
4 your heart is raising, it's hard to focus -- it's
5 impossible to focus.

6 So that's my factual, impossible to work, to
7 get anything done when someone is jumping on your
8 roof. When people are blaring music until 3:00 in the
9 morning, when someone is shouting down your neighbor,
10 you know, and yelling at them, calling them some
11 pretty derisive terms. But that's impossible, you
12 know, you can't get work done.

13 Meanwhile I'm trying to get my feet on the
14 ground and find some meaningful employment in addition
15 to what I'm doing. Yeah, I couldn't get anything
16 done.

17 I had several interviews during CHOP. It's
18 really hard to get an interview going on when people
19 are fighting outside your front door, and you look in
20 your garden and someone has broken in there several
21 times and is breaking in again.

22 Q. What interviews did you have during that
23 time?

24 A. I believe I had a third-round interview with
25 the University of Washington. I think there were a

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1 MR. REILLY-BATES: Objection; vague to the
2 extent you're not referring to the things.

3 He described a lot of things.

4 MS. PRATT: Right. Thank you, Counsel.

5 I really don't need your speaking objections
6 and I think it's inappropriate to coach your client
7 during a deposition.

8 Q. (By Ms. Pratt) So Mr. Ploszaj, if you need
9 clarification, please let me know. Otherwise, I would
10 ask you to answer the question.

11 A. Can you repeat the question, please?

12 Q. Sure. I'm just trying to clarify whether
13 you are claiming emotional damages for events that
14 occurred outside of the three plus week period of
15 CHOP?

16 A. No.

17 Q. Okay. The other form of damages or the next
18 damages I believe you mentioned was lost productivity.

19 Can you please explain what the factual
20 basis for your claim for damages from lost
21 productivity are.

22 A. Yeah. It's impossible to get any work done
23 when people are breaking into your building and you're
24 shaken up.

25 You've got your heart racing. There are gun

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1 couple others that I can't recall the specifics of.

2 Q. What do you recall about the others?

3 A. It was really hard to interview and answer
4 their questions and try and come off professional and
5 not be fidgety or disturbed with it.

6 Q. You said there were issues with attention
7 and focus in general?

8 MR. REILLY-BATES: Objection; argumentative.

9 A. I had no -- I recently graduated from
10 college the second time.

11 Q. (By Ms. Pratt) Do you have a general
12 tendency to be fidgety?

13 A. No.

14 Q. Do you believe you've been fidgety today?

15 MR. REILLY-BATES: Objection; argumentative.
16 I'm not going to tolerate this kind of
17 questioning of my client. I don't appreciate you
18 bullying him this way.

19 Now if you could move on, please, Counsel.

20 MS. PRATT: I'm not going to move on. I'm
21 not bullying your client nor would I.

22 This is entirely relevant to the basis of
23 his claim, so I'm going to continue asking him.

24 And if you want to stop the deposition that
25 is a position that you will have to take.

24 (Pages 93 to 96)

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MATTHEW PLOSZAJ
6/10/2021

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1 I don't know what right now.

2 MS. PRATT: Okay. We can go off, Karl.

3 THE VIDEOGRAPHER: The time is 2:48 p.m.
4 We are off the record.

5 (Recess.)

6 THE VIDEOGRAPHER: The time is 2:58 p.m.
7 We're back on the record.

8 Q. (By Ms. Pratt) One form of damages that you
9 mentioned experiencing from the CHOP is lost
10 opportunity.

11 Can you describe the factual basis for that
12 claim?

13 A. Yeah. I had a really hard time applying for
14 meaningful work, putting together cover letters,
15 interviewing for positions during CHOP and then after
16 CHOP, all stemming from the events of CHOP.

17 Q. How did you arrive at the figure of five to
18 \$10,000 for that?

19 A. Sure. It's roughly the salary I would have
20 been making at that time. I couldn't meaningfully
21 apply -- I should have been able to pick up a job
22 pretty quickly and easily, especially with the number
23 of recruiters I was talking to leading up to that and
24 interviews I was having and everything that I was
25 having up until then.

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1 Q. So you're again claiming damages of the
2 going rate for June, July and August?

3 A. No. Those were two different things. You
4 said lost opportunity but then you mentioned what I
5 claimed as damages for --

6 Q. Lost productivity?

7 A. -- lost productivity, correct.

8 Q. So say again, how did you arrive at the ten
9 to \$15,000 figure for lost productivity?

10 A. Take all the hours of CHOP I would have been
11 working, multiply that by 45 to 60, and you get into
12 the ballpark of ten to 15.

13 Q. How is that different from what you're doing
14 for lost opportunity?

15 A. Sure. Lost opportunity I didn't -- I
16 couldn't look for a job at all during CHOP. And
17 because of CHOP it took me a few months to get back
18 into the game. And so when I should have work being
19 meaningfully employed I didn't.

20 Q. Right. And you calculate that loss how?

21 Like what numbers are you multiplying or, you know,
22 otherwise what formula are you using to get to that
23 five to \$10,000 for lost opportunity?

24 A. Yeah, sure. Forty-five to 60, multiply that
25 by two months, give or take. I suppose I'm being

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1 So, you know, to July, August, and then
2 finally September I was able to get to someplace where
3 I could meaningfully start applying for work again.

4 Q. All right. So how did you reach that
5 figure?

6 MR. REILLY-BATES: Objection; asked and
7 answered.

8 A. I should -- there were four months of --
9 three months I should have -- you know, the amount of
10 time and money I should have been making that's that
11 figure that I'm claiming.

12 Q. (By Ms. Pratt) The five to \$10,000 is
13 compensation that you should be making in June, July
14 and August of 2020?

15 A. Yes.

16 Q. And it's based off of your current monthly
17 salary?

18 A. The going rate of my skillset.

19 Q. What's the going rate of your skillset?

20 A. At the time 45 to 60 an hour.

21 Q. And how did you reach the figure of ten to
22 \$15,000 damages in lost productivity?

23 A. Yeah. That's the work I was doing and that
24 didn't get done, getting paid a going rate, my going
25 rate. I would have been billing clients at that rate.

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1 conservative in my estimates.

2 Q. So you got the ten to \$15,000 in lost
3 productivity by multiplying 45 to \$60 times the number
4 of hours that you would have worked during just CHOP,
5 during just June?

6 A. You get about ten just for June. And post
7 CHOP, because of CHOP, you get some productivity back.
8 Not much. You get another five.

9 Q. And that five spans July and August?

10 A. Correct.

11 Q. But the lost opportunity is also by
12 multiplying 45 to 60 times the income that you -- or
13 excuse me.

14 You get the lost opportunity by multiplying
15 45 to \$60 per hour times the hours that you would have
16 worked for two months, right?

17 A. Correct.

18 Q. And how many hours would you have worked in
19 two months?

20 A. Eighty hours.

21 Q. Eighty hours total in two months?

22 A. Well, I'm off on that.

23 MS. PRATT: Counsel, you should not be
24 talking to your client while he's answering my
25 question. That's entirely inappropriate.

26 (Pages 101 to 104)

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MATTHEW PLOSZAJ
6/10/2021

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1 MR. REILLY-BATES: Counsel, I wasn't
2 talking. I didn't say anything.
3 MS. PRATT: I saw your mouth moving. I
4 heard you on the microphone.
5 Q. (By Ms. Pratt) So can you tell me,
6 Mr. Ploszaj, how many hours are you claiming damages
7 for in the two months that you have included in your
8 lost opportunity?
9 A. Forty hours of workweek times two months,
10 eight weeks.
11 Q. Okay. So when you said 80 hours earlier,
12 you were mistaken?
13 A. That is correct.
14 Q. Okay. So you're using the same hourly rate,
15 \$45 to \$60 per hour, and the same number of hours per
16 week as damages for potentially your lost productivity
17 and your lost opportunity, right?
18 A. Repeat that, please.
19 Q. If I'm understanding you correctly, and
20 that's what I'm trying to figure out from you, to
21 reach your damage calculations for lost productivity
22 and separately for lost opportunity you are using the
23 same 45 to \$60 per hour and 40 hours per week as
24 what -- you multiply those and you get what you lost,
25 right?

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1 A. That sounds accurate, correct.
2 Q. Okay. And your lost productivity is for
3 June 2020 plus or -- excuse me. \$10,000 of your
4 claimed lost productivity is for June 2020 only,
5 right?
6 A. Correct.
7 Q. And \$5,000 of your lost productivity is for
8 July and August combined?
9 A. Correct.
10 Q. And for lost opportunity it is for July and
11 August?
12 A. Correct.
13 Q. Okay. In terms of lost productivity, you
14 were working for Floop at the time, right?
15 A. Correct.
16 Q. And you were not making an hourly wage,
17 right?
18 A. Correct.
19 Q. Do you remember claiming in May of this year
20 that your damages were estimated at \$50,000?
21 A. In May of this year 2021?
22 Q. Correct.
23 A. Roughly, yes.
24 Q. Let me show you what's previously been
25 marked as Exhibit 49.

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1 (Referred Deposition Exhibit No. 49.)
2 Q. (By Ms. Pratt) All right.
3 A. I'm downloading and saving and we're going
4 to open. And so I see what looks like a legal
5 document.
6 Q. (By Ms. Pratt) Can you tell me the date of
7 that legal document?
8 A. I am looking for it. I see -- can you give
9 me a little clue as to where that date be?
10 Q. I'm looking at page twelve or, excuse me, 13
11 of the PDF.
12 A. Dated the 10th day of May 2021.
13 Q. And if you look at page twelve you see at
14 the top where it says "Answer as to Matthew Ploszaj"?
15 A. Yes.
16 Q. And do you see that it says you
17 preliminarily estimate your damages at \$50,000?
18 A. Yes.
19 Q. And do you intend for your estimate that
20 we've discussed thus far, your \$30,000 in emotional
21 damages, your ten to 15 in lost productivity and your
22 five to ten in lost opportunity, do you believe those
23 add up to the \$50,000?
24 A. Yes.
25 Q. Okay. Do you recall estimating in September

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1 2020 that your damages were \$20,000?
2 A. Yes.
3 Q. Did you understand at that time that it was
4 important to be accurate to the best of your ability?
5 A. Yes.
6 Q. Why did you reach a damages estimate of
7 \$20,000 at that time?
8 A. We had to come up with -- we were thinking
9 of damages and the numbers -- I hadn't given much
10 thought at the time, but I knew for sure my lost
11 productivity at the time and I knew for sure I needed
12 some emotional damages, too.
13 And so I came up with a vague estimate based
14 on the hours I lost directly during CHOP for lost
15 hours of work of productivity and then my
16 understanding at the time of the extent of the damages
17 I had received emotionally.
18 Q. What was the difference in your
19 understanding in September 2020 of your damages
20 emotionally versus your understanding in May 2021?
21 A. Yeah. I've had a half a year to live with
22 it and understand how deeply affected I am.
23 I walk by Cal Anderson Park with various
24 protestors from CHOP still in there, for whatever
25 reason, doing whatever they did, but eyeing me. I've

27 (Pages 105 to 108)

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1 Q. I didn't ask about photos that time. I
2 didn't intend to.

3 I think what I asked was what documentation
4 of your damages do you have.

5 A. Yeah. I believe those are what's listed
6 there. Yeah, letters, photos, videos, text messages.

7 Q. And how are those documentation of your
8 damages?

9 A. How are they documentation of my damages?

10 I don't know if I'm equipped to answer that.
11 They're documents -- how are they documentation of my
12 damages?

13 They show the threats we've received. They
14 show our property defaced, what happened in the
15 neighborhood.

16 Am I on the right track? I'm not sure I'm
17 getting -- it doesn't seem you are being very
18 responsive on that. I'm not sure I'm answering the
19 question.

20 Q. Do you have any documents that reflect
21 specific amounts of damages?

22 A. Can you be specific on specific amounts of
23 damages?

24 Q. No. Do you have any documents that reflect
25 amounts of damages?

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1 previously emailed counsel about videos that
2 Mr. Ploszaj has testified about that we have not
3 received.

4 We also haven't received pay stubs or W-2s
5 and we will have to keep the deposition open for that
6 reason.

7 MR. REILLY-BATES: Okay. Are you done with
8 your questioning?

9 MS. PRATT: No.

10 Q. (By Ms. Pratt) Other than providing pay
11 stubs -- actually, what were the pay stubs related to?

12 A. Gee, I think work at Tillicum Place Cafe. I
13 don't know.

14 I guess I'm not clear on what pay stubs
15 you're referring to.

16 Q. The same ones you referred to.

17 So which W-2s did you provide?

18 A. I don't know specifically.

19 Q. Were there barriers or barricades blocking
20 any of your access to your building during the CHOP
21 period?

22 A. Yes.

23 Q. Where were they?

24 A. At 13th and Pine at -- I think it's Olive
25 Street that is parallel and north of Pine and 12th, at

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1 MR. REILLY-BATES: Objection; asked and
2 answered.

3 A. Yeah. There's for sure that photo of fecal
4 matter right at our property on our stuff. There's a
5 big letter saying "Fuck you, Cam," a yellow "Fuck you"
6 in front of our property.

7 I believe there's also documents of us
8 covering that up.

9 So I don't know, you can probably scale
10 that, but that's like the side of the sidewalk.

11 Q. (By Ms. Pratt) Sorry. I meant monetary
12 figures of damages.

13 Do you have any documents that you have
14 produced or records that you have produced that
15 specifically reflect monetary damages by amounts?

16 A. I don't believe I ever billed the City. No,
17 I don't think -- I mean monetary is my W-2s. I think
18 I put some pay stubs in there.

19 Q. Well, you provided pay stubs and W-2s.

20 A. Okay.

21 Q. What other financial documents did you
22 provide?

23 A. I don't recall off the top of my head. I
24 don't have any of that with me right now.

25 MS. PRATT: I'll just say for the record I

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1 12th and Pike.

2 Further down the way there's some other
3 streets on Pine but I would not feel confident saying
4 the names of those streets without looking at a map
5 and seeing the name of them.

6 There were physical concrete barricades also
7 in the street along 12th and various times moved up in
8 along Pine Street at various locations.

9 Q. The barricades on Pine, when to the best of
10 your recollection were they in place and specifically
11 where on Pine?

12 A. The earliest I can remember when the police
13 left CHOP at, give or take, the corners of 13th and
14 Pine. And the concrete barriers, somewhere between --
15 maybe halfway between 12th and 13th on Pine.

16 Q. And during what period of time were the
17 concrete barriers present?

18 A. I don't know the specifics of that but I'm
19 sure we could look that up.

20 Q. How would you look it up?

21 A. How would I look that up? Like a reasonable
22 person.

23 Q. What does that mean to you?

24 A. Well, a reasonable person, if asked that
25 question, would do reasonable things. I don't know.

35 (Pages 137 to 140)

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6/10/2021

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1 You could Google it. You could -- there's many ways
2 to look it up.

3 Q. Do you have any personal knowledge or any
4 document personal to you that you could reference to
5 know specifically when concrete barriers were in
6 place?

7 A. Do I have documents known to me?

8 Q. Specific to you.

9 A. Specific to me. Meaning I own them? I
10 believe I have some of that, yeah.

11 Q. What documents do you have?

12 A. I believe I have video. I believe I have a
13 photo. I also believe there's news articles that also
14 document that so that could easily be in my possession
15 with a swipe of the phone.

16 Q. Are they the same videos and photos that you
17 produced in this matter?

18 A. To the best of my knowledge.

19 Q. Okay. So you don't know specifically when
20 concrete barriers were in place on Pine, right?

21 MR. REILLY-BATES: Objection; misstates the
22 witness's prior testimony.

23 Q. (By Ms. Pratt) Is that right?

24 A. How specific would you like me to get?

25 Q. As specific as you can.

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1 A. Yes.

2 Q. Those are the ones that were in place
3 approximately one week into CHOP in June, right?

4 A. Correct.

5 Q. Okay. Where were those?

6 A. When?

7 Q. When they were installed where were they?

8 A. When they were installed they were installed
9 on 12th Avenue, and I believe on Pine Street west of
10 the median of 12th.

11 Q. Did that change?

12 A. Yes.

13 Q. Where did they go to next?

14 A. I don't know where all of them went, but I
15 know a good portion of them were moved onto --
16 perpendicular of where they were onto Pine Street, in
17 between 12th and 13th.

18 Q. When did that happen?

19 A. Oh, perhaps a week or two later. I don't
20 remember specifically.

21 Q. There were also barriers you said on Pike,
22 correct?

23 A. I don't know if they actually hit Pike
24 Street but roughly to the cross section. They might
25 have stopped shy.

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1 A. In the morning of June-ish week-ish into
2 CHOP.

3 Q. So the morning about a week into CHOP in
4 June, is that what you said?

5 A. That sounds roughly correct.

6 Q. And those were the concrete barriers between
7 12th and 13th on Pine?

8 A. That sounds accurate.

9 Q. Where do you believe the concrete barriers
10 were on Pine that were installed approximately the
11 morning a week into CHOP in June?

12 MR. REILLY-BATES: Objection; asked and
13 answered.

14 A. Where do I think were the barriers that were
15 installed on Pine? I don't think they were installed
16 on Pine.

17 Q. (By Ms. Pratt) Okay. So where were there
18 barriers on Pine?

19 A. Are you talking about the concrete barriers?

20 Q. You said there were barriers at the corner
21 of 13th and Pine, right?

22 A. Okay. Those are not the concrete barriers,
23 but those were there from day one.

24 Q. Okay. And then you talked about the
25 concrete barriers.

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1 I'm sorry, I keep getting confused between
2 concrete and regular barriers. I don't think there
3 were regular barriers on Pike Street but I think they
4 got up to Pike Street.

5 Q. You say they got up to Pike Street, so where
6 were they?

7 A. The regular barriers were on 12th Avenue
8 roughly up to Pike Street. And I believe some of the
9 other streets parallel and west of 12th Street.

10 Q. Will you open the exhibit that you have
11 already looked at marked 55, I think.

12 A. Okay. Opening 55, the map.

13 Q. Yeah. Okay. I'm thinking of any type of
14 barrier using the streets on the map as reference.

15 A. Yes.

16 Q. Can you tell me each area where you remember
17 there being barriers during CHOP?

18 A. Roughly on Pike Street, around Pike and
19 Broadway, roughly around that spot. Roughly around
20 13th and Pike -- I'm sorry, not Pike, Pine and
21 Broadway, as well as 13th and Pine.

22 On 12th Avenue roughly halfway between Pine
23 and the street north of Pine, which it may be Olive --
24 I can't remember the name of the street -- or Howell,
25 but the next street north of Pine. As well as south

36 (Pages 141 to 144)

MATTHEW PLOSZAJ
6/10/2021

<p style="text-align: right;">Page 145</p> <p>1 onto Pike -- again, somewhere along that stretch 2 closer to Pike. 3 Now following Pine from 12th Avenue we go 4 looking left or west there were barricades on that 5 street before you hit Pike and at some point going 6 into paralleling Cal Anderson. I can't remember the 7 specific location but that one street that is north 8 one block of Pine. 9 And then I believe there was another barrier 10 that I recall moving west, so now two blocks west of 11 12th Avenue. Again, in between Pine and Pike I 12 believe there was another barrier. 13 Q. Which barriers affected your access to your 14 building? 15 A. All of them. 16 Q. How did the barrier at Pine and Broadway 17 affect your access to your building? 18 A. There was no way I could go around it. 19 Q. Could you access your building by car? 20 A. No. 21 Q. Could you access your building by foot? 22 A. Sometimes. 23 Q. When couldn't you access your building by 24 foot? 25 A. When a handful of occurrences within CHOP at</p>	<p style="text-align: right;">Page 147</p> <p>1 A. Yes. 2 Q. You mentioned contacting law enforcement 3 during the CHOP time period. 4 Can you tell me each time you contacted law 5 enforcement during that period? 6 A. Roughly three days into CHOP, I believe it 7 was a Sunday, perhaps at five-ish in the morning, when 8 protestors broke into the East Precinct I called 9 roughly -- 10 Q. Sorry. I'm going to stop you. 11 And what was the substance of your 12 communication when you called about the East Precinct 13 incident? 14 A. Communicating the events that took place. 15 Q. Did the dispatcher say anything to you? 16 A. Of course. 17 Q. And what did the dispatcher say to you? 18 A. I don't remember the specifics. 19 Q. Do you remember anything that the dispatcher 20 said? 21 A. Roughly "Thank you for the information." 22 Q. When was the next time you contacted law 23 enforcement during the CHOP time period? 24 A. I think within about a week, the first -- 25 within a week of CHOP starting.</p>
<p style="text-align: right;">Page 146</p> <p>1 times. 2 Q. What prevented you from accessing your 3 building by foot? 4 A. CHOP security. 5 Q. Your testimony is that on a handful of 6 occasions CHOP security prevented you from entering 7 your building? 8 A. That is correct. 9 Q. When did that occur? 10 A. Roughly the night someone jumped on my 11 building. Perhaps a week into CHOP, maybe two weeks 12 into CHOP. 13 Q. Did anyone from the City ever prevent you 14 from accessing your building? 15 A. No. 16 Q. Was your trash picked up during the time 17 period of CHOP? 18 A. Never, that I recall. 19 Q. Did you have electrical service during the 20 time period of CHOP at your building? 21 A. Yes. 22 Q. Did you have other utilities in your 23 building during the time period? 24 A. Did I have other utilities? 25 Q. Yes.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Why did you call law enforcement on that 2 occasion? 3 A. We had a burglar break into our building. 4 Q. And what was the substance of your 5 communication with law enforcement on that occasion? 6 A. There was someone who had broken into our 7 building and they have our property and communicating 8 that with them. 9 Q. And do you recall any communication from the 10 dispatcher to you on that occasion? 11 A. They offered to send a cop out several 12 blocks from CHOP that I could meet at some point in 13 time. 14 Q. Do you recall where they offered to send the 15 police officer to? 16 A. No. 17 Q. And did you take the dispatcher up on the 18 offer to send out a law enforcement official? 19 A. I believe so. 20 Q. Did you ever meet with the police officer 21 about the break-in at your apartment? 22 A. No. 23 Q. Why not? 24 A. I believe in this instance I never got a 25 call back.</p>

37 (Pages 145 to 148)

MATTHEW PLOSZAJ
6/10/2021

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C E R T I F I C A T E

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, hereby certify that the foregoing deposition upon oral examination of MATTHEW PLOSZAJ was taken stenographically by me on June 10, 2021, and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for nor relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto, nor am I financially interested in its outcome.

I further certify that in accordance with CR 30(e) the witness was given the opportunity to examine, read and sign the deposition within 30 days upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of June, 2021.

Pat Lessard

Pat Lessard,
pat@court-reporter.com



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Exhibit 17

JOSEPH WANAGEL
5/21/2021

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)

Plaintiffs,)

vs.) No. 20-cv-00983-TSZ

CITY OF SEATTLE,)

Defendant.)

Zoom Video Deposition Upon Oral Examination

Of

JOSEPH WANAGEL

30(b)6 Olive ST Apartments

DATE: Friday, May 21, 2021
REPORTED BY: Mindy L. Suurs, CSR No. 2195

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--oOo--

Page 4

Friday, May 21, 2021
9:01 a.m.

--o0o--

THE VIDEOGRAPHER: We are now on record. Today's date is May 21st, 2021. The time is now 9:01 a.m. This is Volume 1, Media 1 in the deposition of Joseph Wanagel in the matter of Hunters Capital, LLC, et al., versus City of Seattle. We are recording via the internet using Zoom video conferencing.

My name is Bryan Gaver, and I am representing
Royal Video Productions on behalf of Rough & Associates.
Today's court reporter is Mindy Suurs.

At this time I would like to ask all counsel present to identify themselves.

MS. PRATT: My name Caitlin Pratt from Harrigan
Leyh Farmer & Thomsen. We represent the City of Seattle.

MR. PHILLIPS: My name is Henry Phillips. I'm from Calfo Eakes. I represent the plaintiffs.

THE VIDEOGRAPHER: Wonderful. Thank you, counsel.

And would our court reporter please swear in the witness.

1 (Pages 1 to 4)

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attorney work product and instruct the witness not to answer.

MS. PRATT: Mr. Phillips, I'm asking for anything he reviewed in preparation for his deposition; I didn't ask him for anything having to do with his communications with you nor anything that would reveal your mental impressions. I'm simply asking what documents he reviewed.

MR. PHILLIPS: Yeah, I've made my objection. We would have reviewed documents as we communicated with him, and that would reveal our work product.

MS. PRATT: Well, Mr. Phillips, I'll just let you know that Mr. Weaver permitted every other deponent to answer that question. Moreover, it's standard practice to answer it.

We can take this up with the Court later if you are going to stand on that objection, but I would ask you to please confer with your colleagues at a break.

Q. So Mr. Wanagel, I just want to confirm you're going to follow your attorney's advice not to answer what documents you reviewed in preparation for your deposition?

A. Yes, I follow my attorney's advice.

Q. Great. Did you write any notes during your preparation for this deposition?

A. No.

Q. And did you review any notes during your

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and then also some up north in Snohomish County and then one in Tennessee.

Q. Tennessee building is the wild card.

Tell me specifically which other buildings in Seattle you own.

A. You want me to list the addresses?

Q. Yes, please.

A. 4059 Eighth Avenue Northeast, Seattle, Washington; 3929 Aurora Avenue North; 3939 Wallingford Avenue North; 718 27th Avenue in Seattle, Washington; and 3501 Albion Place North in Seattle, Washington. Those are all my Seattle buildings as I recall.

Q. I suspect this may come up later, so will you spell Albion, please?

A. A-l-b-i-o-n.

Q. Wonderful. And before I ask you to list out the addresses, how many apartment buildings do you own in Snohomish County?

A. Well, it's a combination of houses and apartments.

Q. Okay. Thank you for clarifying. How many rental properties do you own in Snohomish County?

A. Let me count them in my head here. Six.

Q. What cities are they in?

A. Bothell and Everett.

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preparation for this deposition?

A. No.

Q. Okay. Who is your current employer?

A. Me.

Q. Okay. And how long have you been self-employed?

A. 18 years.

Q. And in your self-employment, what type of business have you done?

A. I own, manage, and maintain apartment buildings.

Q. What apartment buildings specifically?

A. The one in this case that we're specifically talking about is 1114 East Olive Street. Separate address of the same parcel is also 1703 12th Avenue.

Q. Did you say 1703 12th Avenue?

A. Yes, and those are both in Seattle.

Q. And just to clarify, are there two buildings on the same parcel, or is it just two addresses for one building?

A. Two buildings: A four-unit and a 20-unit.

Q. And they're right next to each other?

A. That's correct.

Q. Do you own any other buildings?

A. I do.

Q. What buildings are those?

A. I own a handful of buildings in the Seattle area

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Q. How many are in Bothell?

A. Four.

Q. Does that leave two in Everett?

A. Correct.

Q. In Bothell how many are houses?

MR. PHILLIPS: Objection to form.

BY MS. PRATT:

Q. You can still answer.

A. Oh, Henry said objection to form.

MS. PRATT: Yes --

MR. PHILLIPS: You can still answer though.

A. Okay. So one property has two houses on it, one property has one house on it, one property is a triplex, and one property is seven units. Three of those I own personally, and one of them I own under the business.

BY MS. PRATT:

Q. What business are you referring to?

A. Olive ST Apartments LLC.

Q. So that LLC owns more than just the Olive Street Apartments; is that right?

MR. PHILLIPS: Objection to form.

BY MS. PRATT:

Q. You can still answer.

A. Olive ST Apartments -- to be clarified, it's not Olive Street Apartments, it's Olive ST Apartments LLC --

3 (Pages 9 to 12)

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1 and then also Olive ST Apartments LLC owns more than just
2 1114 East Olive Street and 1703 12th Avenue.

3 Q. How many properties are owned under that LLC?

4 A. I'm counting, give me a second.

5 I believe it's six.

6 Q. And how many of those six are properties in
7 Seattle?

8 A. There -- I believe it's four of them.

9 Q. Which of the four Seattle properties you
10 mentioned earlier are owned by the LLC?

11 A. So let me just go through the addresses to make
12 sure we get the correct number and the correct addresses.
13 First building under county records is 1114 East Olive
14 Street. Another building is 4059 Eighth Avenue Northeast,
15 718 27th Avenue; 3929 Aurora Avenue North; and 3939
16 Wallingford Avenue North. So does that come out to five?
17 That might come out to five. So five in Seattle owned by
18 Olive ST Apartments LLC.

19 Q. And how many -- you said it owns six properties
20 overall; is that right?

21 MR. PHILLIPS: Objection to form.

22 A. Olive ST Apartments LLC -- I think I got that
23 number wrong. So we're at five in Seattle, then we have
24 two in Snohomish County, so it would be seven total.

25 BY MS. PRATT:

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1 A. Well, so typically what you do is if you have one
2 to four units, you often own that personally, and then
3 five-plus is considered commercial or commercial loans. So
4 typically you would do five-plus in an LLC and one to four
5 personally.

6 BY MS. PRATT:

7 Q. And is that the rule that you follow?

8 A. In general.

9 Q. What exceptions are there to that rule in your
10 rental holdings?

11 MR. PHILLIPS: Objection to form.

12 A. Personally I own 3501 Albion Street North --
13 Albion Place North, and that's six units. That was one of
14 my earlier properties, so -- been doing it 18 years.

15 BY MS. PRATT:

16 Q. Okay. Other than that Albion Place property, do
17 you own any other place with five-plus units via the LLC?

18 A. So I guess clarify the question.

19 Q. So you mentioned that you owned the Albion Place
20 property personally even though it has six units; right?

21 A. Yes.

22 Q. Are there any other properties with five or more
23 units that you own personally?

24 A. No. I mean I guess the only correction to that
25 is the McAdoo property in Tennessee. We're dealing with

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1 Q. And how many properties does that leave you
2 owning individually?

3 MR. PHILLIPS: Objection to form.

4 A. Just give me a second to make sure I get this
5 correct. Properties, you're saying, not units? And then
6 are you including my house in these properties or just the
7 rentals?

8 BY MS. PRATT:

9 Q. How many rental properties do you own personally?

10 MR. PHILLIPS: Objection to form.

11 A. I believe it's six. It's hard for me to do it
12 without going through addresses.

13 BY MS. PRATT:

14 Q. Why don't we do that. Why don't we go through
15 the addresses. So tell me the addresses of the rental
16 properties you own personally.

17 A. I have 23021 Second Avenue Southeast; 18920 25th
18 Avenue Southeast; 3214 Lombard Avenue; 23624 23rd Avenue
19 West; and then the Tennessee property, which I believe is
20 761 McAdoo Street.

21 Q. Will you spell McAdoo?

22 A. M-c-A-d-o-o.

23 Q. Why do you choose to own some properties
24 personally and others via the LLC?

25 MR. PHILLIPS: Objection to form.

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1 some stuff, so it's a question of how many units it will
2 be. So that would be hard to answer exactly.

3 Q. I'm going to go through your properties. How
4 long have you owned the Olive, East Olive Street building?

5 A. Since 2006.

6 Q. How about the Eighth Avenue building?

7 A. You're testing my memory on these. Approximately
8 2007 or '8.

9 Q. I believe it's 27th Avenue. Is that --

10 A. Yes.

11 Q. And how long have you owned that property?

12 A. 2014.

13 Q. And how about the Aurora Avenue property?

14 A. I would say 2009.

15 Q. The Wallingford Ave. property?

16 A. 2012.

17 Q. Second Avenue?

18 A. 2007, I believe.

19 Q. 25th Avenue?

20 A. I want to that was in 2007 as well.

21 Q. Lombard Street?

22 A. 2003.

23 Q. 23rd Avenue?

24 A. That one I believe was 2017 or '18.

25 Q. How about the McAdoo address?

4 (Pages 13 to 16)

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<p style="text-align: right;">Page 33</p> <p>1 A. I would consider the CHOP the day the East 2 Precinct was abandoned all the way through December of 2020 3 into January of 2021. 4 BY MS. PRATT: 5 Q. And why do you say that it continues into 6 January -- or December 2020 or January 2021? 7 A. Because I was told by the police that they could 8 not enter that area, and I was physically attacked all the 9 way through December 2020. 10 Q. Sorry that happened. You said you were told by 11 police that they could not enter that area. What area are 12 you talking about? 13 A. It varied between several blocks in that 14 neighborhood to sometimes just being confined to the park 15 and immediately adjacent to the park. 16 Q. Can you tell me when it was several blocks in the 17 neighborhood? 18 A. Certainly from when the East Precinct was 19 abandoned until the beginning of July 2020 was definitely 20 several blocks. After that, it varied on and off how much 21 area was considered unsafe and the police would not enter. 22 But it always included the park and the streets immediately 23 around it. 24 Q. When you say "the streets immediately around it," 25 which streets specifically do you mean?</p>	<p style="text-align: right;">Page 35</p> <p>1 life threatened, I had people tell me they're going to hit 2 me with a stick, was told more than probably 50 times I was 3 going to be killed, told me to get back to my building, was 4 chased by several human beings at one point. I mean the 5 list goes on and on. 6 I would like to take a break if that's okay. 7 Q. Absolutely. We can go off. 8 THE VIDEOGRAPHER: Okay. The time is now 9 9:54 a.m., and we are going off record. 10 (Recess taken.) 11 THE VIDEOGRAPHER: The time is now 10:10, and we 12 are back on record. 13 MS. PRATT: Mr. Phillips, I just want to revisit 14 with you, are you still going to instruct your client not 15 to answer the question of what documents he reviewed in 16 preparation for his deposition? 17 MR. PHILLIPS: Yes. 18 MS. PRATT: Okay. Can you also just make sure 19 you have e-mail access during any breaks and lunch in case 20 we need to arrange a time to call the Court? 21 MR. PHILLIPS: Sure. 22 MS. PRATT: All right. 23 Q. So Mr. Wanagel, I want to go back to talking 24 about your experience in the CHOP, and you were talking 25 about having instances between June and December when it</p>
<p style="text-align: right;">Page 34</p> <p>1 A. So 11th Avenue and even my street, East Olive 2 Street, were also points of contention. 3 Q. Are you aware of any other areas that were often 4 points of contention? 5 A. Certainly the police precinct area. You know, I 6 didn't walk the area very much. I typically stayed away 7 from the area because I was being told by the police to not 8 go in that area and that it was unsafe for them to enter 9 that area, so I mostly am just familiar with the street 10 right in front of my building at 1114 East Olive Street, 11 which several times throughout the year, I was told it was 12 unsafe and that the police were not going in that area. 13 Q. You said you didn't walk the area much. When you 14 said that, what area did you mean? 15 A. Directly into the park. I tried to stay as 16 confined to my building as possible because you often would 17 get attacked if you were -- the closer you got to the park. 18 Q. You said you often would get attacked the closer 19 you get to the park. How do you know that? 20 A. I had bricks thrown at me. 21 Q. When? 22 A. In December of 2020, and there were some other 23 instances of unsafe situations. 24 Q. What other instances? 25 A. During the CHOP, I saw assault rifles, I had my</p>	<p style="text-align: right;">Page 36</p> <p>1 was -- it felt unsafe to you; is that right? 2 A. Yes. 3 Q. And that feeling of lacking safety -- is that the 4 reason why you consider the CHOP extending from June until 5 either December 2020 or January 2021? 6 A. The feeling of lack of safety and the cops 7 telling me it was unsafe to be there and they were 8 instructed to not go into the park or some of the streets 9 adjacent or even my street at times. 10 So basically, people are threatening your life 11 and the police aren't coming and telling you they're not 12 coming. 13 Q. I want to -- so first, you've mentioned the 14 streets around the park and then your street a couple of 15 times. Do you consider your street as a street around the 16 park? 17 A. I would say yes because you can directly see the 18 park right there, and so there's -- there's the park, 19 there's a street that goes parallel to it, and my street 20 directly tees off of it. So from standing in front of 1114 21 East Olive Street and the distance from there to the park 22 is maybe 100 feet. 23 Q. All right. I'm going to mark our first exhibit 24 today, and what I'm going to do is I'm going to drop the 25 exhibit into the Chat feature on Zoom and you should be</p>

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1 able to open it that way. In the past, I know Mr. Phillips
2 hasn't been here, but Mr. Weaver has had his client right
3 click and save it and then open it from wherever it's saved
4 to the extent that that's helpful.

5 So let's see. This will be marked -- I have
6 we're starting at Exhibit 40. Does anyone have any
7 information to contradict -- okay, Mindy is saying yes,
8 okay. So this is going to be marked Exhibit 40. I'm
9 dropping it into the Chat now. Please let me know when you
10 see it.

11 (Exhibit No. 40 marked for
12 identification.)

13 A. It says: "Caitlin shared a feel here." Click on
14 that?

15 BY MS. PRATT:

16 Q. Do you see a file that just says 40?

17 A. I see Chat with a 1 next to it, but I don't see
18 any files or 40.

19 MS. PRATT: Okay. Mr. Phillips, can you provide
20 any assistance?

21 MR. PHILLIPS: Sure. I'm just going to go to the
22 Chat here and I'm going to right click and save as. Okay,
23 we have it open.

24 BY MS. PRATT:

25 Q. Okay. Mr. Wanagel, do you recognize what's

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1 A. Yes.

2 Q. And are those labeling the streets correctly, to
3 your understanding, of Capitol Hill?

4 A. I believe so.

5 Q. Okay. So using the streets that are marked with
6 the red text and the white boxes, can you describe what
7 streets you are talking about when you say that there were
8 more issues from June to December 2020 or January 2021 on
9 the streets around the park?

10 MR. PHILLIPS: Object to form.

11 A. So basically during the -- after the East
12 Precinct was left and until beginning of July, pretty much
13 everything in this map was not safe and the police would
14 tell you they were not going there. After July, it seemed
15 to kind of contract and expand depending on the day, but
16 typically the majority of the time, Cal Anderson Park and
17 the streets all the way around it and any arterials
18 directly off of that, to my knowledge, were no-go zones,
19 meaning that the police would often tell you they wouldn't
20 even go there, and certainly after July, there were people
21 that were murdered in Cal Anderson Park.

22 And -- but I'm most familiar with my street,
23 which is East Olive Street there, which all the way through
24 December 2020 I was told on several occasions that it was
25 not safe to be there and they certainly would not enter the

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1 pictured in Exhibit 40?

2 A. Yes.

3 Q. What is that?

4 A. I see a aerial picture of the Capitol Hill
5 neighborhood including Cal Anderson Park with my building
6 with a little red dot on it with sort of a hashtag "Olive
7 ST Apartments."

8 Q. And is your building correctly labeled on that
9 map?

10 A. It looks like it's more labeling the larger
11 building and not so much the smaller building, but it is
12 clearly labeling the larger building of the two buildings.
13 The one directly next to it, which is a four-plex, is also
14 a part of that.

15 MR. PHILLIPS: I apologize, I'm just going to --
16 Ms. Pratt, let me know if you object, but Joe, you can
17 manipulate the exhibit as you need to to be able to review
18 it. You can click on it, make it bigger, move up and down,
19 just so you know.

20 BY MS. PRATT:

21 Q. Yes, you can. Please do.

22 Okay. So can you use this map to describe --
23 well, I'm going to withdraw that. Let me start again.
24 When you're looking at the map on Exhibit 40, do you see
25 there are white boxes with red text?

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1 park and were very hesitant to even go on my street, if at
2 all, depending on the day.

3 BY MS. PRATT:

4 Q. You mentioned the arterials right off the park.
5 Is that what you said?

6 A. Yeah.

7 Q. So if you use your street, Olive Street, as an
8 example, what area does that extend to?

9 MR. PHILLIPS: Objection to form.

10 A. Once again, I'm mostly just familiar with the
11 streets directly around my building because, once again,
12 the police were typically telling me it was unsafe to be in
13 that area; so I didn't venture very far, but I would say
14 anything within probably three or four blocks from when the
15 East Precinct was left until July, the police were not
16 entering. After July all the way through December 2020, it
17 was a little bit hit and miss but probably closer to a
18 block and a half around there that the police might tell
19 you they wouldn't show up.

20 Q. And your building, Olive Street Apartments, is
21 about a block off the park; is that right?

22 A. It's a half block to a full block off of the
23 park.

24 Q. Okay. You mentioned that during -- from the time
25 when the East Precinct was left through the beginning of

10 (Pages 37 to 40)

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1 would roam the neighborhood with weapons would be the
2 police. So we were sort of -- the burden of our own safety
3 was put on our own shoulders being that the police was
4 not -- vocally voiced that they're not showing up.

5 Q. Other than your security, your hired security,
6 and police officers, was there anyone in your neighborhood
7 who open carried weapons but did not use them in a
8 threatening manner toward you?

9 MR. PHILLIPS: Objection to form.

10 A. Are you asking if I saw that or if that happened?

11 BY MS. PRATT:

12 Q. If you experienced that.

13 MR. PHILLIPS: Same objection.

14 A. I guess typically I was feeling quite threatened
15 by all the people carrying around guns, which I did not
16 know who they were because I know that people were being
17 murdered on a fairly regular basis during that time. With
18 guns.

19 Q. Right.

20 A. So it's people walking around with bunch of
21 guns -- did that feel abnormal and unsafe? Yes. When
22 people are getting murdered several times, kind of like a
23 war zone.

24 Q. And this occurred between June and July of 2020?

25 A. So it was at the worst from when the East

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1 Q. So we looked at that aerial map earlier -- and we
2 can pull it up if that would be helpful to you, just let me
3 know -- but I'm trying to get a sense of which blocks had
4 barricades in the streets.

5 A. I would say it varied a little bit from time to
6 time. There was even a time I tried to move one and got
7 attacked, and they would continually try and claim more
8 territory. So I was kind of right on the border of where
9 barricades were coming up and down. So East Olive Street
10 was commonly barricaded off, but sometimes it got pushed
11 back a little bit by residents and myself because I wanted
12 the garbage to get emptied, but they would commonly try and
13 reclaim area.

14 MR. PHILLIPS: I need to register my objection to
15 the form of the question.

16 BY MS. PRATT:

17 Q. Let me know if this is a fair characterization:
18 That the barricades were generally about halfway between
19 Cal Anderson and that corner of 12th and Olive Street. Is
20 that what you're saying?

21 MR. PHILLIPS: Objection to form.

22 A. In general, I don't think that's a fair
23 characterization because often they were right on the --
24 like where the crosswalk would be to cross East Olive
25 Street on 12th Ave. And sometimes they'd even try and

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1 Precinct was abandoned until the beginning of July, and
2 then it kind of was worse -- it was still terrible all the
3 way through December of 2020.

4 Q. Between that June and July period, did you ever
5 have access to your building restricted?

6 A. Yes.

7 Q. How?

8 A. They put barricades in the street.

9 Q. Who's "they"?

10 A. That's an excellent question. It was people that
11 I did not recognize putting barricades up that, if you
12 asked them questions, they would cuss and swear and
13 threaten you. They were unidentified and would refuse to
14 identify themselves.

15 Q. Where specifically were those barricades put?

16 MR. PHILLIPS: Objection to form.

17 A. They were on East Olive Street and there were
18 some on 12th Avenue and several other spots, but those are
19 the ones specifically at my building.

20 BY MS. PRATT:

21 Q. Exactly where on East Olive Street were those
22 barricades?

23 MR. PHILLIPS: Objection to form.

24 A. On the street and on the sidewalk.

25 BY MS. PRATT:

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1 claim more than that. So I don't know if you can
2 generalize. It was kind of a day-to-day thing.

3 BY MS. PRATT:

4 Q. Okay. And so where is your trash access that you
5 could try to move the barriers so that trash could be
6 picked up?

7 A. So my trash is on East Olive Street. Between the
8 four-unit building and the 20-unit building, there's like a
9 little alley there, and that's where my trash is.

10 Q. And so sometimes the barriers would be behind
11 that area so that your trash could be picked up?

12 A. So I don't know if you've ever driven a garbage
13 truck, but you can't turn around in a street easily at all,
14 so you would typically come on 12th Ave. going towards the
15 precinct, take a right onto East Olive, stop there, empty
16 the garbage, then go towards the park, turn a right next to
17 the park on 11th, and then drive on from there. They have
18 their routes, but that's an example of what you would do
19 with a garbage truck. You would never try and turn around
20 in a tight street with a garbage truck. In most cases it
21 wouldn't even be possible in Seattle without severe damages
22 to cars lining the street.

23 Q. So during the June to July time frame of when I
24 think you described the CHOP as being its most intense, how
25 was your trash collected?

22 (Pages 85 to 88)

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1 A. Often it wasn't.

2 Q. How many times was trash pickup missed?

3 MR. PHILLIPS: Objection to form.

4 A. I -- I don't have exact number. My remembrance
5 is it mostly did not get picked up. So -- yeah, for
6 whatever amount of weeks that was, it didn't really get
7 picked up. They tried one day to clear it so they could
8 get through, but I don't think they picked it up that day
9 either.

10 BY MS. PRATT:

11 Q. Other than the interruption of your trash service
12 as you just described, did you have an interruption in any
13 of your other utility services between June and July 2020?

14 A. So PSE was scheduled -- Puget Sound Energy, the
15 gas service -- was scheduled to do essential work on the
16 gas meters, and they were not able to do it during that
17 time.

18 Q. Did they reschedule that work?

19 A. They did.

20 Q. When was it completed?

21 A. A month or -- it was after July. I want to say
22 mid July. It was after the height of the CHOP. I want to
23 say mid July.

24 Q. Did you have any impact to your tenants based on
25 the delay in that work on the gas meters?

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1 delay in the work on your gas meters, did you have any
2 other city services that were interrupted between June and
3 July of 2020?

4 A. Not that I know of. I mean certainly, you know,
5 you weren't going to get your Comcast guy to come in or
6 your phone guy to come in, but you would have to talk to
7 the specific tenants on those specific problems.

8 Q. Did you hear from tenants that any of those
9 problems arose?

10 A. They mostly mentioned the problems with their
11 safety. They didn't get into too many other issues during
12 that time.

13 Q. You mentioned there were barriers on -- street
14 barriers on 12th. Where on 12th were those barriers?

15 A. Usually that barrier would -- where you would
16 have considered the crosswalk would have been right on that
17 East Olive Street and 12th Ave. Once again, they often
18 would try and expand the area.

19 Q. So am I understanding you correctly that traffic
20 could have traveled from north to south on 12th but it
21 could not have traveled west between your buildings and the
22 park?

23 MR. PHILLIPS: Objection to form.

24 A. I -- I guess I -- I'm a little confused with the
25 east/west scenario, but if you're on 12th going towards the

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1 MR. PHILLIPS: Objection to form.

2 A. Was there impact -- just to clarify the question,
3 was there impact to the tenants due to the work not being
4 done on the gas meters?

5 BY MS. PRATT:

6 Q. Let me rephrase my question. I'll withdraw that
7 first one and just say: What impact did it have on you
8 that the work on your gas meters was delayed?

9 A. Well, so basically, PSE was coming in to replace
10 meters and piping in the main gas room because they were
11 old and they were fearing of leaks, so luckily my building
12 did not blow up during that time.

13 Q. Does that mean that it didn't have an impact?

14 MR. PHILLIPS: Objection to form.

15 BY MS. PRATT:

16 Q. You can --

17 A. I guess it -- I would say the impact was work --
18 when work should have been done, it probably should have
19 been done then for safety reasons, and so you increased
20 safety risks during that time by postponing that work. To
21 what percent or level, you would have to ask the Puget
22 Sound Energy. It was not at the level where they decided
23 it was at the point where the building should have been
24 shut down altogether.

25 Q. So other than the trash collection and the PSE

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1 precinct, you most likely would not have been able to turn
2 right onto East Olive Street, but you probably could have
3 gotten off and you could have gotten all the way to East
4 Olive Street.

5 BY MS. PRATT:

6 Q. Okay. And what would happen when you hit East
7 Olive Street?

8 A. There was a bunch of junk in the road. The City
9 had actually even put up a sign for the CHOP saying you
10 can't pass this. So my answer would be the City provided
11 bolted in barricades into the street to prevent you
12 entering into the CHOP.

13 Q. You know, I think it actually would be helpful to
14 look at Exhibit 40 again. Can you open that?

15 A. Let me see. I'm going to get Henry to help me
16 real quick.

17 Q. Okay. So are you looking at Exhibit 40?

18 A. Yes.

19 Q. Okay. So I understand what you're saying is if
20 you're on Olive Street, it would have been blocked right at
21 that corner of 12th and Olive and you couldn't have
22 traveled any further toward the park; is that right?

23 A. Typically, yes. Like I said, it was kind of off
24 and on at that part. It was kind of off and on.

25 Q. And if you were traveling from Denny and 12th

23 (Pages 89 to 92)

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1 south, where on 12th would you hit -- typically hit a
2 barrier?

3 A. So I can tell you where the City provided
4 barricades --

5 MR. PHILLIPS: Objection to form.

6 A. So the barricade that the City provided the CHOP
7 was right there at the corner of 12th Ave. and East Olive
8 Street. Now, the CHOP folks would just throw stuff
9 wherever they wanted to whenever they wanted to.

10 BY MS. PRATT:

11 Q. So then there would have been -- if you were
12 traveling south on 12th from Denny and you hit the corner
13 of Olive and 12th, the only way you could turn would be
14 east; is that right?

15 A. Yes.

16 Q. Okay. And Olive was generally blocked, you said,
17 between 12th and Olive and the park; correct?

18 A. No, it was off and on there. Once again, that
19 was sort of a -- there's a couple times I tried to move
20 barriers there and then, you know, got attacked, and -- and
21 so occasionally -- so there was times you could drive down
22 there and then there was times you couldn't.

23 Q. Okay. And how far on 12th was blocked?

24 MR. PHILLIPS: Objection to form.

25 A. So where the barricades end south of where that

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1 Q. Uh-huh.

2 A. That was kind of all encompassed by CHOP. I'm
3 not exactly sure exactly all the barriers and everything
4 were there, but it was certainly occupied there. Now,
5 Broadway itself, from what I can remember, you could
6 typically drive down Broadway.

7 Q. We were talking about barriers that were present
8 between June and July of 2020. Could you describe where
9 there were barriers other than between June and July of
10 2020?

11 MR. PHILLIPS: Objection to form.

12 A. Were there barriers after July?

13 BY MS. PRATT:

14 Q. Yes.

15 A. You know, they were stealing garbage cans all the
16 time and throwing them in the streets. There were
17 certainly, you know, barriers around the precinct for, oh,
18 I don't know -- til a couple weeks ago really. So off and
19 on there certainly were things impeding access, including
20 dumpsters on fires and concrete blocks around the precinct.
21 And certainly around the precinct you couldn't use the
22 sidewalk until about a couple weeks ago. And then during
23 that whole time from after the height of the CHOP until the
24 end of December, you know, there would be times where there
25 would be, certainly around the park, several things you

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1 City-provided barricade was?

2 BY MS. PRATT:

3 Q. Yes.

4 A. I -- I don't recall exactly. I want to say it
5 was on Pike Street.

6 Q. Are you aware of the location of any firm
7 barriers on the west side of the park?

8 MR. PHILLIPS: Objection to form.

9 A. I want to say the west barricades were almost on
10 Broadway off of like East Pike and East Pine.

11 BY MS. PRATT:

12 Q. And how do you remember that?

13 A. I -- I -- when you're going up and seeing these
14 barricades, you kind of had to drive around to try and get
15 as close to your building as you could at times, so -- and
16 also just to see what's going on I drove around couple
17 times, and then I did walk the area once or twice.

18 Q. And north of that Pike, Pine area, were there any
19 barriers on Broadway?

20 A. So we --

21 MR. PHILLIPS: Objection to form.

22 A. So where you see the park and like -- you see
23 East Broadway, Broadway East, and then there's some
24 buildings and then there's kind of like a road right
25 between Cal Anderson Park and those buildings?

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1 couldn't do. And, you know, from time to time they'd
2 travel out and set dumpsters on fires and throw it in the
3 street and whatnot.

4 Q. In that post-July 20 -- or post-July 1st, 2020,
5 period, did you ever have access to your building blocked?

6 A. I would say yes but not consistently. Like it
7 was definitely off and on whether you had a burning
8 dumpster out there or, you know, some people throwing some
9 trash out there or if there were just simply people in the
10 street.

11 Q. How often was it blocked in any of those ways?

12 A. I guess -- there were certainly I would check the
13 news and what tenants were saying, decide whether I'd go
14 down there on a day-to-day basis. And often I'd go down
15 there and I would see that things were going on that were
16 real bad and I would leave. To tell you a specific
17 percentage or how often that was -- that would be very hard
18 for me to give you an exact.

19 Q. How many times did you try to access your
20 building but have your access blocked after July 1st, 2020?

21 MR. PHILLIPS: Objection to form.

22 A. Once again, it would be hard for me to give you
23 exact number. Directly my building, I had fairly decent
24 access when I was going down there, other than the fact
25 that, you know -- you know, might get bricks thrown at you

24 (Pages 93 to 96)

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1 or something. Typically I would not go towards the park at
2 all; I'd turn around and go back out the other way. I
3 would say it was all right but extremely unsafe.

4 BY MS. PRATT:

5 Q. Did you ever have a tenant report to you that
6 access to your buildings, the Olive Street Apartments --
7 that they had their access to those buildings blocked?

8 A. Yes.

9 Q. When did you receive those reports?

10 A. Certainly there was a lot of complaints of that
11 during the height of it, and after that, all the way
12 through December, you know, you would get different texts
13 on different days, you know, which I believe I provided.
14 You know, pictures of a dumpster on fire or people marching
15 down the streets or garbage being thrown in the street. To
16 give you specific dates and times would be difficult for
17 me. But certainly it continued to happen all the way
18 through 2020.

19 Q. And I just want to make sure that we're on the
20 same page. So you had tenants report to you that they were
21 physically prevented from accessing your apartment
22 buildings in that post-July period?

23 A. I guess I would have you clarify "physically."

24 Q. In the period after July 1st, 2020, did you have
25 a tenant report to you that they were prevented from

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1 BY MS. PRATT:

2 Q. You mentioned that there were bolted-in barriers
3 that were implemented by the City.

4 A. Yes.

5 Q. Am I correct that those were at 12th and Olive on
6 the Pine side of the street?

7 MR. PHILLIPS: Objection to form.

8 A. Yes. There were more around the area, like the
9 City kind of cordoned off a specific area that they gave
10 them physical barriers to the CHOP, and some of them were
11 bolted in by the City.

12 BY MS. PRATT:

13 Q. Talking about those physical -- those bolted-in
14 barriers specifically, was there still walking traffic
15 beyond those barriers?

16 A. Was it possible to walk around? Yes. I would
17 say yes. I mean during the height of the CHOP, it wasn't
18 uncommon to get stopped by so-called CHOP security and even
19 asked for your I.D.

20 Q. At those barriers?

21 A. Kind of wherever CHOP decides to do that. And
22 often they would be holding weapons or guns during that
23 time.

24 Q. And when were those bolted-in City barriers
25 present?

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1 accessing your buildings?

2 A. There are certainly times when they told me that
3 there was garbage in the streets, march goings on, things
4 on fire. Were there times that they probably would have
5 had to crash into something or drive on the sidewalk or
6 find some alternative route to get to the building? Yes.
7 Sidewalk access -- would it have been possible to get
8 there? Yes. Would they have been at risk, I mean of
9 physical harm, I would say likely.

10 I guess it's really a matter of like, okay, so if
11 there's a bunch of people yelling "kill cops" and there's a
12 dumpster on fire, are they -- is that -- is that physically
13 stopping you from getting somewhere?

14 Q. Right. So what I'm talking about is an actual
15 physical barrier that would have prevented access to your
16 building, and it sounds like that did not occur, to your
17 knowledge; right?

18 MR. PHILLIPS: Objection to form.

19 A. I guess the answer actual physical -- there were
20 certainly times when there was trash in the street, so if
21 you consider that a physical barrier, the answer would be
22 yes -- like dumpsters and garbage cans, like that was a
23 normal thing for them to do -- is throw dumpsters and
24 garbage cans in the streets, which would -- you would
25 physically have to move something to get to the building.

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1 MR. PHILLIPS: Objection to form.

2 A. I don't know when they originally put them in,
3 but they were not taken out until the July 1st when the
4 police showed up to kind of supposedly clear the CHOP out
5 for a very short period of time.

6 BY MS. PRATT:

7 Q. And they were never reaffixed in that area?

8 MR. PHILLIPS: Objection to form.

9 A. If we're talking about the specific in-the-road
10 ones, they weren't reaffixed, but the concrete blocks
11 impeding the sidewalk, even somewhat partially the street,
12 were around the precinct until a couple weeks ago and they
13 spray painted part of the road, which is still blocked off
14 and has now decided to be a permanent fixture.

15 BY MS. PRATT:

16 Q. How else did the CHOP affect you? And by "you,"
17 I mean your business in the Olive Street Apartments.

18 A. Affected -- it affected the business financially,
19 certainly terrorized its employees, it terrorized its
20 tenants, it certainly -- there's certainly vandalism,
21 there's attempted break-ins, faith in the City in general.
22 I feel there's health things that happened. There's
23 certainly employees of Olive Street had to clean up pretty
24 disgusting things during that time. I mean I don't know
25 what else to say but all those things.

25 (Pages 97 to 100)

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Q. You got it. So my question is: Are any of the amounts that you're claiming in Exhibit 44 reflected in the expenses on Exhibit 41?

A. I would have put like the expense of fire extinguishers, repairs and maintenance, and, you know, materials cost, like lacquer thinner to get the graffiti off of the building. I would have put it in there, but that's not really going to be reflecting my time, I guess.

Q. So on Exhibit 44, the 24 hours of administrative time and the hourly rate for graffiti removal -- those would not be reflected in the expenses listed on Exhibit 41; right?

A. Correct.

Q. But the miscellaneous safety equipment is reflected in Exhibit 41?

A. I would say yes.

(Exhibit No. 46 marked for identification.)

BY MS. PRATT:

Q. Okay. I'm going to resubmit Exhibit 46. I know that I've skipped 45. We'll go back to that. Do you see 46?

A. Yep, loading and saving and opening. Hold on. "Security Expenses for 1114 East Olive Street/1703 12th Ave. during CHOP."

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police; but in this case the police were not coming.

BY MS. PRATT:

Q. How do you know the City tried to hire security?

A. Both through research on the internet and through the news and from people in the neighborhoods telling me.

Q. So the \$5,000 reflected security services provided; is that right?

A. Yes.

Q. Do you know how many hours?

A. They were there a lot. We didn't really exactly like -- under the receipt I believe they're at \$40 an hour; so hopefully the 5,000 got me -- I guess that would be a-hundred-and-some hours of help. But they were there on and off, they were doing security for other people, it was primarily to not only help in my building but kind of the neighborhood too because a lot of people were hiring security at that time.

Q. Do you know what time period that \$5,000 applied to?

A. That would have been in the heat of the CHOP. I realized quite clearly the Friday before people started getting murdered in the height of the CHOP it was becoming evident to me that it was getting -- like people's lives were at stake, so I immediately got somebody out there. And honestly, thank God I did because people got murdered.

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Q. Okay. That's Exhibit 46, and can you describe each of the listed expenses for me.

A. So I have Dauntless Security, which I've submitted an invoice from them. I have Iconic Global, which I've submitted for 860, which I submitted an invoice for, and then I have Iconic Global cash paid, 5,000, no receipt. I don't have a receipt for that one. I handed them 5,000 in cash.

Q. At whose request did you pay them cash?

MR. PHILLIPS: Objection to form.

A. Iconic Global.

BY MS. PRATT:

Q. Yeah, let me rephrase the question. Were you requested to pay Iconic Global the \$5,000 in cash?

A. I asked them what would be a good payment form, and that's what he suggested.

Q. And what does that \$5,000 reflect?

MR. PHILLIPS: Objection to form.

A. Security services. You know, I was doing anything I could to keep security there because actually even getting security to go into the CHOP was not the easiest thing in the world, including the City tried to hire security, of which disappeared very quickly, being that typically what security would do would keep an eye on things and if something went wrong, they would call the

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Q. What's the difference in the security provided by Dauntless Security and Iconic Global?

A. Dauntless Security was hired by a few people in the neighborhood and it was spot checks, whereas Iconic Global was typically showing up for extended period of times.

Q. And all of the time that Iconic Global was there was during -- you described it as the height of the CHOP; is that right?

A. Yes, between the time the -- there was about a week after the East Precinct was abandoned, things went down exceedingly quickly to the point where it was quite clear to me that someone was going to get murdered, at which point we hired them and then they were there pretty often until after the beginning of July and then even after that, I saw them around the neighborhood a little bit, but I did not hire them after that.

Q. The expenses that are itemized in Exhibit 46 -- are those reflected in Exhibit 41 on Page 6?

A. So the expenses for security -- are they on -- I don't think the cash is on there.

Q. So Exhibit 41 shows 6,928 for security; is that right?

MR. PHILLIPS: I'm just going to make sure that Joe understands that there's that tab there you can click

39 (Pages 153 to 156)

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A. I'm not a lawyer, so I don't know what I'm entitled to altogether, but I feel strongly what I have provided -- I'm definitely entitled to those I feel. My opinion is I'm definitely entitled to the things I provided, but I don't know if there's additional things allowable by law that I could ask for because I'm not a lawyer.

MS. PRATT: Okay. So like I said, we'll hold this open, continue this for now, and we can go off.

MR. PHILLIPS: And I'll register -- before we go off, I'll register once again my objection to continuing it and holding it open.

MS. PRATT: Okay. We can we can go off.

THE VIDEOGRAPHER: All right. The time is now 4:18, and we are going off record.

(The deposition concluded at
4:18 p.m.)
(Signature was reserved.)

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REPORTER'S CERTIFICATE

I, Mindy L. Suurs, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the foregoing testimony of JOSEPH WANAGEL was given before me at the time and place stated therein and thereafter was transcribed under my direction;

That the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability;

That the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

DATE: May 28, 2021

Mindy L. Suurs

Mindy L. Suurs
Certified Court Reporter #2195



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SIGNATURE

I declare that I have read my within deposition, taken on Friday, May 21, 2021, and the same is true and correct save and except for changes and/or corrections, if any, as indicated by me on the "CORRECTIONS" flyleaf page hereof.

Signed in _____, Washington,
this _____ day of _____, 2021.

JOSEPH WANAGEL

50 (Pages 197 to 199)

ROUGH & ASSOCIATES INC

office@roughandassociates.com

206.682.1427 3515 SW Alaska St Seattle WA 98126

Exhibit 18

Property of the Seattle Police Department
** OFFICIAL LAW ENFORCEMENT USE ONLY **

June 29 Events

Incident Action Plan



6/29/2020

0000 - 2400 hrs

Activity ID
SP20MY279

Resource Category
403

This record is exempt from disclosure under RCW Section 42.56.420(1)(a) of the Public Disclosure Act, RCW 42.56.420 et seq. This record has been prepared, assembled or is maintained to prevent, mitigate or respond to criminal terrorist acts. This record is a specific and unique vulnerability assessment, or response or deployment plan, or is compiled underlying data collected in preparation of, or that is essential to, such an assessment or plan. Public disclosure of this record would have a substantial likelihood of threatening public safety.

DO NOT DUPLICATE

DESTROY BY SHREDDING

COMMANDERS INTENT:

During this operational period, we will ensure the safety of police personnel and integrity of police facilities. An infrastructure protection detail shall be assigned to the West Precinct to ensure the security of the police facility and the City's 911 call center. Patrol will be dispatched and respond to calls for service in the East Precinct, outside of the protest area that has been designated the Red Zone.

For any calls or incidents within the "Red Zone" in the East Precinct:

- For all calls originating from **within the red zone**, Communications Section personnel should attempt to coordinate officer contact outside the red zone boundary.
- **Officers should not respond to calls for service within the red zone, unless the response is to critical life safety emergency. If responding to a life safety emergency within the red zone, all responding officers should muster with a supervisor outside that zone to determine the police response, develop a plan, and deploy with needed resources. Coordination with SFD or any other city resources should take place outside of the Red Zone perimeter.**

Officers should continue to document calls for service that originate from within the red zone, even under circumstances where complainant/victim contact isn't possible.

We will allow unpermitted marches to occur and deploy police resources only as needed based on an assessment made by an on-duty commander. If there is any danger to public safety risk or significant property destruction being caused, we will muster sufficient resources and formulate a plan in accordance with our incident objectives and my commander's intent.

Critical Commander Information Requirements: *Must immediately notify SPOC if any of the below actions occur.*****

- Injury to an SPD Officer requiring any medical treatment.
- Significant injury to a citizen caused by police action during crowd control or crowd management actions.
- Attack or attempted incursion of a police or government facility.
- FIT callout or notification related to protest management event.
- Significant and on-going property damage or looting.
- Any Patrol Task Force mobilization to a significant occurrence.
- Any Emergency response within the boundaries of the East Precinct protest zone.

Logistics:

There will be no dedicated logistics for this operational period.



2020 June Protests Contingency Plans



Demonstration Events/Street Marches

With the current demonstration response protocol, the Department will continue to monitor events on a daily basis however we will not deploy police resources to demonstration or protest-related events except to address a life-safety emergency.

Patrol Task Force will be prepared to deploy to any event citywide as directed by a Watch Commander, Precinct Area Commander or above to address a life-safety emergency that exceeds the capacity of a regular Patrol response.

Red Zone Response (East Precinct)

For any calls or incidents within the “Red Zone” in the East Precinct:

- For all calls originating from **within the red zone**, Communications Section personnel should attempt to coordinate officer contact outside the red zone boundary.
- Officers should not respond to calls for service within the red zone, unless the response is to critical life safety emergency (e.g. active shooter incident, structural fire likely to endanger human lives etc.). If responding to a life safety emergency within the red zone, all responding officers should muster with a supervisor outside that zone to determine the police response, develop a plan, and deploy with needed resources.
Coordination with SFD or any other city resources should take place outside of the Red Zone perimeter.
- **Edward Sector: Requires a four-officer minimum response to all Edward Sector calls for service outside the red zone.**

****Officers should continue to document calls for service that originate from within the red zone, even under circumstances where complainant/victim contact isn't possible.**

Exhibit 19

Situation Report - June 16th, 2020

From: "Davis, Tyrone" <tyrone.davis@seattle.gov>
To: "Mahaffey, Thomas" <thomas.mahaffey@seattle.gov>; "Best, Carmen" <carmen.best@seattle.gov>; "Cordner, Lesley" <lesley.cordner@seattle.gov>
Cc: "Grossman, Kevin" <kevin.grossman@seattle.gov>; "Edwards, Michael" <michael.edwards@seattle.gov>; "Verhoff, Jason" <jason.verhoff@seattle.gov>; "Barden, Eric" <eric.barden@seattle.gov>; "Danielson, James" <james.danielson@seattle.gov>; "Williams, Joel" <joel.williams@seattle.gov>; "Kelley, Christopher" <christopher.kelley@seattle.gov>; "Truscott, Lauren" <lauren.truscott@seattle.gov>; "Grenon, Bryan" <bryan.grenon@seattle.gov>
Date: Tue, 16 Jun 2020 05:39:06 -0700

Asst. Chief Mahaffey,

Status

Captain Swank (Car 27) is the current Incident Command for this event.

Multiple surveillance cameras and social media "live streams" appear to show approximately 10 visible in the immediate area surrounding the East Precinct. There are also several occupied tents on the sidewalk adjacent to the East Precinct. Dozens of tents remain in Cal Anderson based on livestream footage.

Currently, there are no other event-related demonstrations in the city.

There were no arrests related to the event.

There were no officer injuries.

The event is no being staffed and monitored on Zone 3 / TAC 9. However, the frequency and a dispatcher are still available to staff it if needed.

Incidents

Last night, about 100 protester marched from the Red Zone to the West Precinct, arriving at 2030 hours. They chanted and some participants made speeches for about 25 minutes before resuming their march. Livestream footage broadcasted the protestors intentions to "hijack" the freeway for 5 minutes. WSP was notified immediately. They marched onto the entrance ramp for southbound I-5 at Stewart St. One WSP Trooper arrived and urged them to leave the freeway. However, they continued to block traffic for approximately 5 minutes before exiting the freeway to resume to their march back to the Red Zone.

The footage also captured their future intentions. They demanded police reform or they promise to be at the West Precinct every night until their demands are met. They also promised to block I-5 traffic and stated they will extend their time on the freeway, every night until their demands are met.

WSP was notified and their liaison stated that he may choose to assist us in SPOC today's event.



Car Tender Incidents – 1706 12th Ave

Event – 2020-188751 –INFO ONLY - 1706 12 AV (Car Tender)- Called in at 2135 hours - Caller reports 20-30 people in auto shop parking lot holding semi-automatic rifles and pistols. Wearing body armor with “officer” written on the back. Part of this incident was viewed by SPOC via livestream.

Event – 2020-188860 – FOUND PROP - 1706 12 AV (Car Tender) – Called in at 0341 hours – “Chaz security” brought the owner/complainant a full bag of ammunition and a rifle after they watched a subject stash those items at 12th Ave and E Pine St. Officer have just arrived on this call for service.

Note: Car Tender is the same location in which we were unable to respond to a call for service on the night of 06-14-2020. Patrol did not respond due its proximity to the Red Zone (2020-188030), coupled with an ongoing disturbance at the location that include armed participants. It should be noted that King 5 did a story, including an interview with the shop’s owner about that incident.

<https://www.king5.com/article/news/local/seattle-business-owner-says-police-never-responded-to-a-burglary-at-his-shop-in-the-chop/281-8cdad6b9-87ce-45cb-8fa7-05871d1bbe56>

Ty

Acting Lieutenant Tyrone Davis #6633

SPOC – Blue Shift - Operations

Main: 206-684-5090

tyrone.davis@seattle.gov